
GROUP LETTERS

Letters Included:

Letter #3, 12-95, 273, 373 - Robinson Transport

Letter #6-10 - Barney Trucking

Letter #98, 148, 274 - Triune, Inc.

Letter #100 - RMA Sales Management Co.

Letter #102 - Forest Guardians

Letter #107 - Western Mine Tools, Inc.

Letter #108-179 - Local Citizens

Letter #147 - Southeastern Utah Off-Highway Vehicle Club

Letter #149 - Morgantown Machine & Hydraulics of Utah Inc.

Letter #180-267, 277-298, 304-336, 339 - SUFCO Mine

Letter #276 - Longwall West, Inc.

Letter #337 - Industrial Electric Motor Service

Letter #338 - RM Wilson Co.

Letter #342 - Tram Electric Inc.

Letter #343 - Tram Electric Inc.

Letter #344 - Tram Electric Inc.

Letter #345 - Tram Electric Inc.

Letter #346 - Tram Electric Inc.

Letter #347 - Tram Electric Inc.

Letter #348 - Tram Electric Inc.

Letter #368 - Custom Supply, Inc.

Letter #369, 370 - Barclay Mechanical Services, Inc.

Letter #371 - Utah Wildlife Federation

Letter #375 - Savage Industries Inc.

Letter #377 - DBT America Inc.

Letter #380 - Joy Mining Machinery

Letter #381-388 - DBT America Inc.

Letter #396 - Canyon Fuel Company, LLC

Letter #398 - Utah Archaeological Research Institute

Letter #400 - Castle Valley Land and Livestock

Letter #402 - Utah Farm Bureau Federation

Letter #403 - Utah Environmental Congress

Letter #404 - Southern Utah Wilderness Alliance

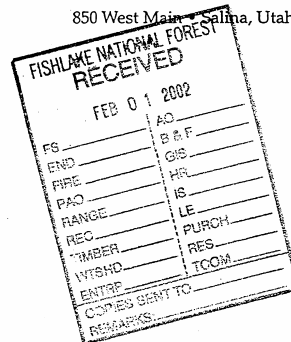
Letter #406 - Interwest Mining Company

Letters
#3,12 - 95,
273, 373



(435) 529-7472 • Fax (435) 529-7820

850 West Main • Salina, Utah 84654



January 28, 2002

Mary C. Erickson
Forest Supervisor
USDA Forest Service
Fishlake National Forest
115 East 900 North
Richfield, Utah 84701

RE: Quitchupah Creek Road EIS

Dear Ms. Erickson:

The development of a shorter route between the SUFCO Mine and Highway 10 would reduce the time and fuel consumption for the hauling of coal to the Hunter Power Plant and Savage Coal Terminal. In addition, it would reduce the potential for accidents with other motorists using the same roads as trucks hauling coal. We are in favor of the construction of the proposed Quitchupah Creek Road with the Alternative D alignment as our preference.

Thank you for your consideration and review of the information concerning the construction of the Quitchupah Creek Road Project.

As an employee of a trucking firm I would propose the Alternative D alignment as my preference.

Sincerely,

Address:

TRAOTS HARVEY
1070 North State
Sign up
103-4657

3

Response 3-1

The fuel savings are described in Section 3.15 Socioeconomic Resources.

Response 3-2

The presence of an alternate route to SUFCO Mine would aid in rendering assistance by outside agencies during an emergency. The proposed road would eliminate the possibility of traffic collisions with coal trucks from the SUFCO Mine east on I-70 to Fremont Junction and north on SR-10 to Quitchupah Creek Bridge.

This letter also signed by: Jeff Leavitt, Cody K. Bradshaw, Teddy Anderson, Terry Harvey, Will E. Dob, Scott L. Malmgren, Brent C. Lawson, Randy Elmer, Rodney Nielson, Lawrence Wichael, Dan Chavis, George Allen, Jacob Leavitt, Gerry W. Hansen, Roger Otis, Chuck Roberts, Scott Hall, Kristoffer G. Noyes, Shawn Edwards, Mitchell Anderson, Michael J. Brandon, Tim Snow, Burke Barton, Jeff Devereaux, Michael Pendleton, Jerry Nebeker, Michael Jensen, Ronnie Lund, F. LaMar Christensen, Jeremy M. Roberts, Lewis Robinson, Troy Torgason, Brandon J. Mason, H. Kim Gramse, Mark E. Miller, Robert C. Banks, Kerry Ball, Eric Lenth, Scott A. Beckstead, Rodney Butcher, Cody Christensen, Yanell P. Synder, Delmar T. Overall, Edwin O Heath, Brady Barton, Billy A. Pay, Jack B. Robins, Dillan Hutchings, Dustin Malmgren, Steven Rasmussen, J.W. Anderson, Tony Barney, Marty Lewis, Jeff Leavitt, J.R. France, Larry Gregerson, Joseph Udy, Harold Kim Gramse, Dave Torgason, Darwin Brown, Cory Piep, Grant Bastian, Harold Harrison, Ellis Miller, Rex Barney, Blaine Buchanan, Evan Leavitt, Steve Smith, Charles Black, Kevin Williams, Jerry Mason, Rick Holliday, Lester Neffsinger, Matt Long, Jason Willder, Kim Curtis, Neil Beach, Dan Poulson, Kim Robinson, Shane C. Barrow, Travis Harvey and six illegible names.

Letter #6-
9



January 28, 2002

Mary C. Erickson
Forest Supervisor
USDA Forest Service
Fishlake National Forest
115 East 900 North
Richfield, UT 84701

RE: Quitchupah Creek Road EIS

Dear Ms. Erickson:

The development of a shorter route between the SUFCO Mine and Highway 10 would reduce the time and fuel consumption for the hauling of coal to the Hunter Power Plant and Wellington. In addition, it would reduce the potential for accidents with other motorists using the same roads as trucks hauling coal. We are in favor of the construction of the proposed Quitchupah Creek Road with the Alternative D alignment as our preference.

Thank you for your considration and review of the information concerning the construction of the Quitchupah Creek Road Project.

Sincerely,

Address:

455 E 7th N.
Salina, Utah
84654

6

Barney Trucking Inc.
195 South 800 West • Salina, Utah 84654 • (435) 529-3701 Office • (435) 529-7314 Fax

Response 6-1
Comments noted.

This letter also signed by: Brad Barney, Lane Barney, and Glen M. Barney.

Letter #10



January 28, 2002

Ms. Linda L. Jackson
Public Affairs Officer
Fishlake National Forest
115 East 900 North
Richfield, UT 84701

Dear Ms. Jackson,

My office would like to enter our support for the Quitchupah Creek Road proposal. Based on our understanding of the project, the Water Hollow Road route (Alternative D) is the option with the least conflict, and also has support of the only private landowner in the area.

We wish to express our admiration of the public-private nature of this proposal. Under the plan, the Sevier County Special Services District would construct this public road. The SUFCO Mine would then be a toll user of the public road in order to pay for the construction and maintenance of the road. The end result is that the project is beneficial for several reasons:

1. The Quitchupah Creek Road reduces the total amount of trucks on roughly 50 miles (roundtrip) of SR-10 and I-70.
2. It is a given that the coal contracts have been signed and the coal will be delivered to the Hunter Power Plant and the Savage loadout. The Quitchupah Creek Road directly addresses the efficiency and safety of the delivery of the coal along a portion of the route.
3. The State of Utah is blessed with some of the lowest cost electricity in the United States, as well as providing low cost power to Nevada and California. This is due to the availability of Utah's high quality, low sulfur coal. However, the rail system in central Utah is relatively undeveloped, and the delivery of Utah coal is largely dependent on the highway system. Again, the Quitchupah Creek Road directly addresses the efficiency of coal delivery with a relatively unique public/private partnership.

Thank you for the opportunity to comment on the Quitchupah Creek Road proposal.

Sincerely,

Brad Barney – Barney Trucking Inc.

10

Barney Trucking Inc.

195 South 800 West • Salina, Utah 84654 • (435) 529-3701 Office • (435) 529-7314 Fax

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10-1

10-2

Response 10-1
Comments noted.

Response 10-2
The I-70 and SR-10 road systems presently are the only route for transporting coal east from the SUFCO Mine, a rail system does not exist nor is one planned for eastern Sevier County.

Letter
#98, 104,
148, 274



TRIUNE, INC.

Selected Products and Systems for Mining

GENERAL OFFICES:
2328 I-70 Frontage Road
Grand Junction,
Colorado 81505
(970) 242-2200
FAX: (970) 241-4198

January 31, 2002

Mary C. Erickson
Forest Supervisor
USDA Forest Service
Fishlake National Forest
115 East 900 North
Richfield, UT 84701

RE: Quitchupah Creek Road EIS

Dear Ms. Erickson:

As part of my business, I frequently travel to the SUFCO mine. I support the construction of the Quitchupah Creek Road for the following reasons:

1. It will provide a shorter route from Emery County to the SUFCO Mine and the Acord Lakes area thus saving time and fuel;
2. Create a lower probability of accidents with passenger vehicles by reducing traffic on I-70 and the Acord Lakes Road;
3. Saves wear and tear on existing highways;
4. Provides alternative route from Emery County to the Salina area, and
5. Employment opportunities at the SUFCO Mine would be more appealing to Carbon and Emery County residents.

We would appreciate your consideration and approval of the proposed Quitchupah Creek Road specifically Water Hollow, Alternative D.

Sincerely,

Thomas L. Wojcik

Address:

Triune, Inc.
2328 I-70 Frontage Rd.
Grand Junction, CO 81505

98

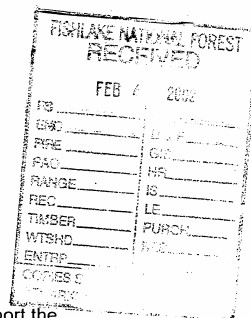
PRICE, UTAH
(435) 637-4836

ROCK SPRINGS, WY
(307) 875-2220

GILLETTE, WY
(307) 686-1515

HENDERSON, KY
(270) 869-0246

CARLSBAD, NM
(505) 887-7600



Response 98-1

Comments noted.

This letter also sent and signed by Tod Woomer (#148), Derrel Curtis (#274), and one illegible signature (#104).

Letter
#100



January 31, 2002

Linda L. Jackson
Public Affairs Officer
Fishlake National Forest
115 East 900 North
Richfield, Utah 84701

TO WHOM IT MAY CONCERN:

This letter is in response to the environmental impact statement referring to the Quitchupah Creek Road.

The cattle and livestock operators that depend on the usage of this canyon for their livelihood which they have done for several years, even before the Sufco Mine ever came into existence, was not given much consideration. The disregard for the cattle and livestock people was very evident right from the beginning of this EIP. On page 1-14 it states "issues not analysed in detail". Issue 1: It states that trucking cattle is not a viable option". The reasoning behind this statement was stated as "trucking cattle is a commonly used method in Utah to move cattle to and from summer ranges." This same scenario should also have been applied for the coal mines as well as trucking coal is a commonly used practice of moving their coal to markets throughout the state of Utah as well as the nation. So therefore, there was never a need for an EIP. The only difference between these two scenarios is that trucking cattle is not a commonly used practice in this area or any place else that I am aware of other than a few isolated cases. But every coal mine either transports their coal out either by truck or rail. This is a fact. Another fact is that Sufco Coal Mine will not be forced out of business if this road is not constructed as many ranchers may be forced out due to the building of this road. Cattle have been trailed to and from the summer range through this canyon for approximately 100 years. Long before there was even a mine in this canyon.

On page 3-131, the EIP states that 10 AUMS would be lost during construction. It also states that this is an insignificant loss of AUMS. I wonder to whom this would be an insignificant loss - to the person who wrote this EIP? To the Sufco Mine? I'll guarantee this loss is very significant to the people who depend on these AUMS for a living. The AUMS lost would be a lot more than projected in this EIP. In fact, if there are no fencing or trailways provided and maintained, it could force the cattlemen clear out of business as they could not stand the losses of the coal truck/livestock collisions that will surely result in the construction of such a road.

Never once did I read where Sufco would be responsible for any type of compensation to the ranchers for their losses and extra expenses that would burden these

100

Response 100-1

A fenced livestock trail would be constructed along 1.5 miles of the western portion of the proposed road where topography limits free trailing movement. East of this area, livestock would trail outside of the fenced road corridor.

Response 100-2

The net loss of AUMS is 4 under Alternative B, 4 under Alternative C, and 5 under Alternative D. In addition, 5 AUMs would be lost under all build alternatives due to 4.7 miles of riparian fencing along Quitchupah Creek. See Section 3.8 for additional information.

Response 100-3

The Sevier County Special Service District would provide loading/unloading/holding facilities for the ranchers trailing livestock along Quitchupah Creek and in Convulsion Canyon. The compensation for livestock involved in collisions with coal trucks or other vehicles would be guided by the Utah State open range law. See Section 3.8 of the FEIS.

Letter
#100 cont.

100-3
Cont.

100-4

100-5

100-6

-2-

ranchers due to the building of this road. Not only would the construction of this road cost the ranchers a lot of increased expenses but also would make their ranches go down in value. Again proving that this EIP was not giving the cattlemen/livestock people much consideration at all.

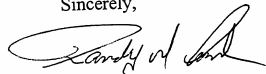
On page 3-82 it states that "cattle trailing and gathering around lower Water Hollow Creek would need to be scheduled for weekends when coal hauling is not scheduled." It is necessary for the cattle to water at this point daily. And since the new proposed road will go right up the only trail into water which is currently being used by the cattle and wildlife, they would virtually be eliminated from accessing the only water source in the area for animals utilizing the Water Hollow benches.

Also on page 3-82, it states that "much of the proposed route through the Saleratus allotment is in rugged terrain where there is little use of forage by cattle". The EIP statement failed to state, or I missed it, that the proposed road runs right through several acres of land that the BLM removed all the pinions and cedar trees off of and reseeded this ground with new grasses. It is now established and utilized by the cattle and wildlife.

On page 2-23 the EIP states that the coal hauling would increase the noise level from faint to moderate in the town of Emery. Apparently the people who wrote this EIP doesn't live on Highway 10 that runs through the town of Emery. And its apparent that they never talked to anyone that does. How would they like to live right next to a road that will have several hundred loaded coal trucks rolling past their homes day and night? Not only is the noise very bad but the vibrations that these heavy trucks produce could also cause homes a lot of damage. I don't believe that anyone business should have the right to ruin other peoples business or their lives without any thought of compensation or respect.

I'm sure that this letter will be put with the rest and given the same consideration as the ranches/livestockmen and everyone else who presently utilizes this beautiful and beneficial canyon.

Sincerely,



Randy M. Anderson

(100)

Response 100-4

See Response 100-1. As described in Section 3.8, there would be specific areas for livestock to water along Quitchapah Creek. Water would be trucked up to the allotments on the Water Hollow and Saleratus Benches where the road has bisected the allotment, separating it from the water source.

Response 100-5

The road alignment for Alt. D traverses the more rugged portions of Saleratus Bench and about 25 acres of the seeding on Water Hollow Bench. There are several areas that could be seeded to compensate for the AUMs lost by road construction.

Response 100-6

With the contracts at Hunter Power Plant, a two to three fold increase in coal transport has already occurred in the Town of Emery (see Transportation 3.15). There would be no increase in coal truck traffic in Emery as a result of the proposed road.

Noise produced from coal trucks is an episodic event. Noise measurement taken in the Town of Emery resulted in a Slow-A noise level of 56 dBA (typical of small rural towns). Using the Federal Highway Administration subjective classification, the noise level will likely increase to a Slow A of between 60 to 74 dBA. This is classified by FHWA to be moderate sound impact. Noise is measured in logarithmic scale, so a noise increase near 3 times current levels was estimated.

Vibration from the coal trucks was experienced by the noise sampling technician. Seismic analyses were not part of this study. Sound pressure levels were discussed and resulted in the assumption that sound pressure would double at a distance of 200 meters away from the transport road.



January 30, 2002

Linda L. Jackson
Public Affairs Officer
Fishlake National Forest
115 East 900 North
Richfield, Utah 84701

VIA FACSIMILE: (435) 896-9347 and mail

RE: Comments on Proposal to Upgrade Quitcupah Creek Road

Dear Ms. Jackson:

The following constitutes Forest Guardians' comments on the proposed project named above. Forest Guardians and its members have strong concerns over projects that have potential to effect water quality on rivers and streams, especially those found in National Forests. Our membership regularly visits and recreates on and around these sensitive waterbodies, and therefore we appreciate the opportunity to participate in the public comment process for this project.

I. STATE CLASSIFICATION OF THE WATER

According to Utah's Water Quality Standards (Rule R317-2. Et seq., Standards of Quality for Waters of the State), the segment of Quitcupah Creek which directly parallels the road proposed for construction here, is a High Quality Water, Category I. This category of surface water is defined in R317-2-12.1 as follows: "All surface waters geographically located within the outer boundaries of U.S. National Forests whether on public or private lands with the following exceptions: All High Quality Waters - Category 2 as listed in R317-2-12.2. Weber River, a tributary to the Great Salt Lake, in the Weber River Drainage from Uintah to Mountain Green." Since Quitcupah Creek is located in the Fishlake National Forest and is not listed as a Category II High Quality Water, it is a Category I High Quality Water for purposes of the State's Water Quality Standards.

The directly downstream segment of Quitcupah Creek is listed on the State of Utah's Year 2000 303(d) list as impaired for Total Dissolved Solids (TDS). There is currently no TMDL in place for this segment of Quitcupah Creek.

II. ANTIDEGRADATION POLICY

303(d) Listed Waters (Tier I):

As noted above, segments of Quitcupah Creek downstream of the construction site are listed on the State of New Utah's Year 2000 303(d) list as impaired by the above-listed pollutants, and are therefore considered Tier I waters. The action proposed by your agency will allow for further degradation of streams that are already 303(d) listed as Water Quality Limited Segment (WQLS) streams for the pollutants listed above, in clear violation of the Clean Water Act and the State's antidegradation policy. WQLS designation clearly and absolutely prohibits any further degradation of stream quality and impairment of designated uses. 40 CFR 131.12(a)(1). Once a waterway is designated as a WQLS, a Total Maximum Daily Load (TMDL) must be developed and implemented to address the sources of pollution which cause the water to be so listed. 33 U.S.C 1313(d). There are no TMDLs for these waters (with the exception of Rio de las Vacas for temperature) and road construction has the potential to contribute significant pollution to it and further impair its designated uses; therefore it may not be allowed to further degrade the water quality of this already impaired stream/river and may not be authorized until a TMDL is developed and this action is properly accounted for in the TMDL. Ibid.

312 Montezuma, Suite A ▼ Santa Fe, New Mexico 87501 ▼ 505-988-9126 ▼ Facsimile 505-989-8623
www.fguardians.org ▼ swwild@fguardians.org



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102

See next page

Letter
#102

102-1
cont.

The antidegradation policy precludes further discharges of loads of pollutants for which the waterbody is water quality limited in the absence of an implemented plan to bring the waterbody into conformance with the standard (a Total Maximum Daily Load or TMDL). This is because the uses are by definition not fully supported if the numeric criterion has been violated and the water has been deemed "water quality limited" and subsequently 303(d) listed. 303(d) listing means that the waterbody is not achieving Tier I status, which is the absolute floor of water quality standards (the so-called "fishable/swimmable" use), below which a State cannot let water quality fall. When the receiving stream is water quality limited, no additional pollutant loads can be allowed unless there are other loads of the same pollutants which are being reduced sufficient to leave assimilative capacity available for use, a determination that is made during development of a TMDL. Absent TMDL development or other similar formal analysis of the effects of your proposed activity on this impaired water, you cannot begin this project and still comply with § 303 of the CWA. Application of the anti-degradation policy is especially important where discharge is to 303(d) listed waters that are already so polluted that they are formally recognized by the State as such, as is the case for these waters.

ONRW's (Tier III):

According to the State's antidegradation policy, "Waters of high quality which have been determined by the Board to be of exceptional recreational or ecological significance or have been determined to be a State or National resource requiring protection shall be maintained at existing high quality through designation, by the Board after public hearing, as High Quality Waters - Category 1. New point source discharges of wastewater treated or otherwise, are prohibited in such segments after the effective date of designation. Protection of such segments from pathogens in diffuse, underground sources is covered in R317-5 and R317-7 and the Regulations for Individual Wastewater Disposal Systems (R317-501 through R317-515). Other diffuse sources (nonpoint sources) of wastes shall be controlled to the extent feasible through implementation of best management practices or regulatory programs. Projects such as, but not limited to, *construction of dams or roads* will be considered where pollution will result only during the actual construction activity, and where best management practices will be employed to minimize pollution effects". The construction and upgrade of the Quitchupah Creek Road that you have proposed obviously falls into the category of activities of "construction of roads" that may not occur absent proof that the construction will only effect water quality during construction and not after. You therefore must provide these assurances before moving forward with the proposal.

III. SECTION 313 OF THE CLEAN WATER ACT

Under section 313 of the CWA, federal agencies are responsible for compliance with *all* State requirements for water pollution control, including a State's antidegradation policies: "Each department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government...shall be subject to, and comply with, all Federal, State, interstate, and local requirements, administrative authority, and process and sanctions respecting the control and abatement of water pollution..." 33 U.S.C §1323(a). Courts have also found the CWA to be directly applicable to National Forest activities like road construction and maintenance, where the Forest Service must comply with State water quality standards when permitting activities on National Forest lands. See Marble Mountain Audubon Society v. Rice, 914 F.2d 179, 182 (9th Cir. 1990); Northwest Indian Cemetery Protective Assn v. Peterson, 795 F.2d 688 (9th Cir. 1986), accord Oregon Natural Resources Council v. U.S. Forest Service, 832 F.2d 1489 (9th Cir. 1987).

CWA §303 places directly on Federal agencies the responsibility to comply with all federal, state, and local requirements for water pollution control and it explicitly applies to "runoff" as well as "discharge" of pollutants. As noted by the court in the QND v. Dombek (151 F.3d 945, 9th Cir. 1998) decision, section 313 "plainly applies to nonpoint sources on Federal land." And, "State standards adopted pursuant to § 303 are among the "other limitations" with which a State may ensure compliance through the § 401 certification process. 33 U.S.C 1341 (d). Although § 303 is not specifically listed in § 401(d), the statute allows States to impose limitations to ensure compliance with § 301 of the Act, and § 301 in turn incorporates § 303 by reference. EPA's view supports this interpretation. Such limitations are also permitted by § 401(d)'s reference to "any other appropriate" state law requirement." PUD No. 1 of Jefferson County v. Washington Department of Ecology, 114 S.Ct. 1900 (1994).

Response 102-1

The State of Utah does not follow EPA's Tier nomenclature, although it does have an antidegradation policy, contained at R317-2-3. To reflect this policy, as it applies to the proposed project, a statement has been added to Chapter 3 of the Final EIS in order to indicate that the approximately 2.5-mile stretch of Convulsion Canyon Creek that parallels the proposed road within the boundaries of the Fishlake National Forest is categorized by the State of Utah as a ACategory 1 High Quality Water® as defined at R317-2-12.1 in the Utah Water Quality Standards. The fact that the segment of Quitchupah Creek downstream of the proposed project is on the State of Utah's Year 2000 303(d) list was reported previously in the Draft EIS. The implications of the Quitchupah Creek reach downstream of the project having a 303(d) listing and the uppermost part of Quitchupah Creek within the project area being a Category 1 stream have been expanded upon in the Final EIS. Potential temporary, construction related impacts are allowed to occur in streams with both these designations, as permitted and regulated through the Utah Division of Water Quality's storm water permit program.

Letter
#102

102-1cont.

Therefore, before this project is undertaken, your agency must ensure that no degradation of this high quality water will occur, including but not limited to non-point source pollutants, or risk running afoul of the CWA's clear legal requirements.

IV. SECTION 401 OF THE CLEAN WATER ACT

States are required by CWA § 401 to provide a water quality certification before a federal license or permit can be issued for any activity that may result in a discharge into navigable waters. 33 U.S.C. § 1341. The certification must "set forth any effluent limitations...necessary to assure that any applicant" will comply with various provisions of the Act and "any other appropriate" state law requirement. *Ibid* at (d). This is an affirmative duty imposed on the State by the CWA, and clearly any action undertaken by a Federal agency must have an accompanying State 401 certification before the Federal agency can begin the activity. The antidegradation policy of the State, as mandated by the CWA, requires the State to impose conditions or limitations when issuing the certification that provide the proper level of protection to the water and thereby prevent lowering of water quality and protect designated uses.

EPA's regulations implementing this section of the CWA likewise require the State to complete § 401 certification. When doing so, State are required to find that "there is a reasonable assurance that the activity will be conducted in a manner which will not violate applicable water quality standards." 40 CFR § 121.2(a)(3).

Because a Federal license or permit is required before this activity can take place on National Forest land, and because the activity will result in discharges to Mammoth Creek, your agency is required to obtain State certification of the activity pursuant to § 401 of the CWA, 33 U.S.C. § 1341.

V. ENDANGERED SPECIES ACT

The purpose of the Endangered Species Act (ESA) is to "provide a program for the conservation of...endangered species and threatened species" and to "provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved." 16 U.S.C. § 1531(b). The overarching policy of the ESA is that all federal departments and agencies must use their authorities to conserve species that the Secretary of Interior or Commerce lists as threatened or endangered. 16 U.S.C. § 1531(c)(1). The terms "conserve" and "conservation" are defined as "to use and the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this chapter are no longer necessary." 16 U.S.C. § 1532(3).

Section 7 of the ESA enumerates the substantive and procedural obligations of federal agencies with respect to listed species. 16 U.S.C. § 1536. First, all federal agencies are under an affirmative duty to use their authorities in consultation with the Secretary of Interior or Commerce to conserve listed species. Second, all federal agencies are under an obligation to insure that "any action authorized, funded, or carried out by such agency...is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of critical habitat of such species...." 16 U.S.C. § 1536(a)(2). In meeting this duty to prevent jeopardy, each agency is required to use the best scientifically and commercially available data. *Id.*

Whenever an "action agency" determines that a proposed action may affect one or more listed species, it must consult with the National Marine Fisheries Service (NMFS) and/or the Fish and Wildlife Service (FWS), depending on the species present. 50 C.F.R. § 402.14(a). The relevant agency must then prepare a formal Biological Opinion discussing the effects of the proposed action on the listed species or critical habitat. 50 C.F.R. § 402.14(h). The Biological Opinion must include the Service's opinion on whether the action is likely to jeopardize the continued existence of any listed species or adversely modify any critical habitat. *Id.* If jeopardy or adverse modification is found, the relevant Service must suggest reasonable and prudent alternatives which it believes would avoid either of these outcomes. 16 U.S.C. § 1536(b). In the end, however, the action agency has an independent duty to ensure that its action will neither jeopardize any listed species nor adversely modify any critical habitat. 16 U.S.C. § 1536(b).

Pursuant to section 7(a)(2) of the ESA (16 U.S.C. 1536 et seq.), federal agencies must initiate consultation with the FWS and assure that their actions are unlikely to jeopardize the continued existence of listed threatened or

102-2

102

Response 102-2

Consultation with the U.S. Fish and Wildlife Service under section 7 of the Endangered Species Act was completed. The results of the consultation are included in Chapter 3 of the FEIS and the concurrence with the determinations of the BA is found in Appendix G. The subspecies of the southwest willow flycatcher in the project area is not the listed subspecies. See Section 3.7 of the FEIS.

**Letter
#102**

102-2
cont.

endangered species or adversely affect designated critical habitat of such species. Several endangered or threatened birds, mammals, amphibians and reptiles are fully or partially dependent upon Quitcupah Creek's aquatic habitat and riparian area..

Section 7(a)(1) of the ESA requires all federal agencies to use their authorities in consultation with the Secretary of Interior or Commerce to further the goals of the ESA by developing and implementing programs for the conservation of endangered and threatened species. 16 U.S.C. § 1536(a)(1). The program must be species-specific, addressing the biological requirements of each individually-listed species. Further, the program must aim towards achieving the eventual recovery of threatened aquatic species in Utah. Section 7(a)(1) therefore imposes a separate (from § 7(a)(2)), mandatory duty on the Forest Service to consult with FWS on the development and implementation of a species-specific conservation plan.

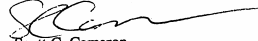
VI. CONCLUSION

While we are aware that the proposed project has the potential to have beneficial effects to Quitcupah Creek, we write these comments to serve as a reminder to your agency as to what your legal obligations are in order to ensure that the very real potential negative effects are properly accounted for before undertaking this project.

Since segments of Quitcupah Creek are in the highest classification of waters in the State of Utah, and others are 303(d) listed as impaired for TDS, they must receive the highest level of protection. The State's antidegradation policy does not allow for any but the slightest degradation of high quality waters or low quality waters, and this policy applies to your agency through CWA section 313. Likewise, your agency must apply for and obtain a CWA section 401 certification from the State before this project can be approved and undertaken, where you must delineate the steps you will take to avoid degradation of this pristine water.

Again, we appreciate the opportunity to comment on this project, and wish to be kept informed of future projects, especially those that have the potential to effect surface waters. Thank you for your time in considering our comments, which speak not only for our organization, but also for our membership.

Sincerely,



Scott C. Cameron
Clean Water Coordinator
Forest Guardians

102

Letter
#107



P O Box 756 * 1384 West 1955 North * Price, Utah 84501
PH# 435-637-5711 * FAX# 435-637-5716

2002

My C. Erickson
Forest Supervisor
USDA Forest Service
Fishlake National Forest

RE: Quitchupah Creek Road EIS

Dear Ms. Erickson:

As a business owner located in Price, Ut. I frequently travel to the Sufco mine. I support the construction of the Quitchupah Creek Road for the following reasons:

1. It will provide a shorter route from Price to the mine site thus saving time and fuel.
2. Create a lower probability of accidents with passenger cars by reducing traffic on I-70 and the Accord Lakes road.
3. Saves wear and tear on existing highways.
4. Provides alternative route from Price, and Emery County to the Salina area.
5. Employment opportunities at the Sufco Mine would be more appealing to Carbon and Emery County residents.

I would appreciate your consideration and approval of the proposed Quitchupah Creek Road specifically Water Hollow, Alternative D.

Sincerely,

Douglas J Simkins

107

107-1

Response 107-1
Comments noted.

Letter
#108-146,
150-179

Date: 2-5-02

Mary C. Erickson
Forest Supervisor
USDA Forest Service
Fishlake National Forest
115 East 900 North
Richfield, UT 84701

RE: Quitchupah Creek Road EIS

Dear Ms. Erickson:

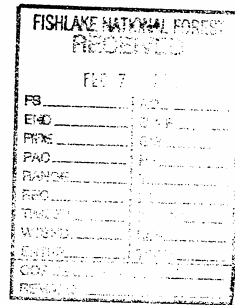
The development of a shorter route between the SUFCO Mine and Highway 10 would reduce the time and fuel consumption for the hauling of coal to the Hunter Power Plant and Wellington. In addition, it would reduce the potential for accidents with other motorists using the same roads as trucks hauling coal. We are in favor of the construction of the proposed Quitchupah Creek Road with the Alternative D alignment as our preference.

Thank you for your considration and review of the information concerning the construction of the Quitchupah Creek Road Project.

Sincerely,

Address:

Craig Payne
2105 3000 W.
Centerfield, UT. 84622



108-1

Response 108-1
Comments noted.

This letter also received from: Kirk Kirman, Dan S. Chidester, Kelly Crofts, Jerry Lopshire, Brandon Griffith, Beth Hammond, Leo Averett, Steven J. Jensen, Brett Shaw, Shay Fielding, Andy Rasmussen, Dave Holman, Dave Roberts, Caroline Sewfad, Boyd Bizlflow, Bert Rasmusen, Reese Summarell, Leslie Gramse, Bill E. Anderson, Dirk Christiansen, Richard Zufelt, Jerrad Jensen, Jeff Kouns, Travis Otten, Ryan Rickenbach, Odis Bess, Dustin Sudweeks, Gary Nielsen, Jody Borwn, Cameron Hallows, Greg R. Larsen, Shon Spencer, Dan Cook, Terry Hansen, Charles Ogden, Kade Mickelson, Brian A. Menmonatt, Richard Phillips, Wesley Burr, Bronson Hallows, Ray Price, Ned J. Grace, Lance Christensen, Shane Elmer, Craig A. Williams, Skip D. Brown, Lucinda P. Hess, Cal Phillips, Rick Johnson, Owen B. Hunt, Wilford L. Nielson, Jared Johnson, Ryan Colby, Joe Mickelson, Jebb Heaps, Steven Grundy, Dale P. Brown, Rusty Healey, Jonathan Taylor, Troy Fielding, Kenny McEown, Michael J. Kailey Jr., Norman R. Hutchings, Jef Lampulot, Richard Mickelsen, Brock Robinson, Rodney Hall, Paul Caldwell, Jay C. Minor, Mark T. Mortensen, Jan Quarnberg, Arvin Billings, Kenny Teepler, Shawn Munk, Zane Vincent, Patrick Sullivan, Ronald Dommich, Richard K. Wright, Ryan Tobler, Wayne L. Anderson, and Mark A. Hansen.

108

Letter
#147

SOUTHEASTERN UTAH OFF-HIGHWAY VEHICLE CLUB
P.O. BOX 382 CASTLE DALE, UTAH 84513 (435) 381-2493 alkali@etv.net
www.seuohvclub.org

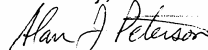
02-04-02

Linda L. Jackson
Public Affairs Officer
Fishlake National Forest
115 East 900 North
Richfield, Utah 84701

Re: Quitchupah Creek Road DEIS

Ms. Jackson,
The SouthEastern Utah Off-Highway Vehicle (SEUOHV) club would like to provide you with our official comments on your DEIS for the Quitchupah Creek Road project.
In our original comments provided to you during 1999, we asked for an OHV trail to be constructed parallel to the road project in order to provide continued access for non highway licensed vehicles. While we disagree with your reasons for refusing to pursue this parallel route we realize that we are powerless to change your opinion.
Therefore the SEUOHV club finds itself in a position of having to support the Water Hollow Alternative "D" which we find to be the lesser of all evils. We feel that Alternative "D" would best protect the priceless archaeological sites found throughout the project area. Alternative "D" would also provide the most protection for the rugged roadway which is of great value to OHV recreationists. The existing dirt road may not be recognized as an official OHV route by the land managers today, but as long as the road is not destroyed we have a chance for it's recognition in the future. If this proposed road construction project destroys the existing dirt road then OHV access will be lost forever just as the archaeological sites would be lost.

Sincerely,



Alan J. Peterson
SEUOHV board member

Response 147-1

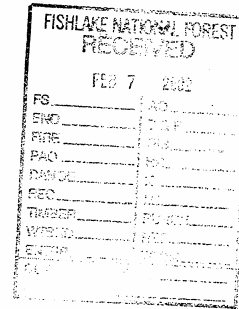
A designated ATV trail would not be possible should Alternatives B, Quitchupah Creek Road, or Alternative C, Alternate Junction, be selected. The portions of the existing road not included within the construction of the proposed road would be reclaimed to help control sediment release to Quitchupah Creek. The reclaimed portions of the existing road would not be contiguous so travel would no longer be possible under Alternative B or C. Should Alternative D, Water Hollow Route, be selected then the existing road would not be blocked and would remain open for use from SR-10 to the forest boundary where the proposed road would block access to upper Convulsion Canyon. SEUOHV's concern about the archaeological sites is noted.

(147)

Letter
#149

Morgantown Machine & Hydraulics of Ut. Inc.

Box 176H • Highway 50 & 6
Helper, UT 84526
Phone: (435) 472-3452 • Fax: (435) 472-8779



Feb. 6, 2002

Mary C. Erickson
Forest Supervisor
USDA Forest Service
Fishlake National Forest

RE: Quitchupah Creek Road EIS

Dear Ms. Erickson:

As a business owner located in Price, Ut. I frequently travel to the Sufco mine. I support the construction of the Quitchupah Creek Road for the following reasons:

1. It will provide a shorter route from Price to the mine site thus saving time and fuel.
2. Create a lower probability of accidents with passenger cars by reducing traffic on I-70 and the Accord Lakes road.
3. Saves wear and tear on existing highways.
4. Provides alternative route from Price, and Emery County to the Salina area.
5. Employment opportunities at the Sufco Mine would be more appealing to Carbon and Emery County residents.

I would appreciate your consideration and approval of the proposed Quitchupah Creek Road specifically Water Hollow, Alternative D.

Sincerely,

Douglas J Simkins

149

Response 149-1
Comments noted.

149-1

Letter
#180-267,
277-298,
304-336,
339

180-1

January , 2002

Mary C. Erickson
Forest Supervisor
USDA Forest Service
Fishlake National Forest
115 East 900 North
Richfield, UT 84701

RE: Quitchupah Creek Road EIS

Dear Ms. Erickson:

Although, the construction of the Quitchupah Creek Road would not effect my current route to work, it does have the potential to relieve some of the congestion on the Acord Lakes Road. In addition, the road would provide an alternative route for emergency vehicles and an alternative route from the SUFCO mine if there were an emergency or accident on the Acord Lakes Road. As an employee at the SUFCO mine, I appreciate the advantages the construction of this road would provide and am in favor of the development of the Quitchupah Creek Road (Alternative D).

Thank you for your time and consideration of this letter.

Sincerely,



Address:

95 North 100 West
Centerfield UT 84622
P.O. Box 220305

180

Response 180-1
Comments noted.

This letter also signed by: Matthew C. Long, Danny H. Albrecht, Glen Lois, Jana Roberts, Jon DeLange, Gladys Snyder, Jerry Adams, A. Quay Mecham, Gary Leaming, Brian Dumas, Fred Veater, Ellis LeNay, Fred McCoard, Audie Ekker, Fred St. Prince, Troy L. Hatch, Brad Duffni, Scott Stevart, Jeffrey D. Anderson, Boyd Kennedy, Steve M. Otto, Tom Dano, Justin Marsh, Ellis Peterson, Von D. Olsen, Paul H. Erickson, Glen A. Lewis, Kyle Meacham, Troy Jensen, Gordon Oldroyd, Stephen L. Hansen, Jill White, Jeff B. John, Fred L. Rosquist, David Hill, Brent Mellor, Mary Ann Hatch, Ronnie J. Torgerson, Jody K. Malmgren, Paul Bowen, James A. Randles, Gordon S. Johnson, Royal Reed Jensen, Michael Davis, Steven K. Nielson, Joe Heath, Stan Adam, Jason Peterson, Shirece C. Owens, Carrie Brotherson, Trent Hone, John S. Jones, Terry Abraham, Mark M. Stapel, Mark E. Chatson, Dennis Patterson, Graig H. Ogden, Randy Young, Thayne Larsen, Dick A. Bills, John M. Black, Brian Fredrickson, Boyd Jewkes, Michael L. Davis, Bob Dickinson, Dana L. Sorenson, Ray Farrington, Melvin Yardley, Royce A. Mason, Robert Dickinson, Glen D. Hunt, Richard M. Smith, Ken Buckland, Jimmy L. Hanson, Dwayne K. Brown, Clay C. Jalt, Scott Gates, Glen Peters, Daryl Bagley, Douglas C. Harward, Sam Brown, Shane Kit, Russel Mason, Donald R. Ervine, Shannon Heaps, Glade Foatz, David C. Edwards, Mark Allen, Brent Fairbanks, Mark C. Jensen, Casey Allred, Albert Rogers, Edward S. Maelen, Bill Anderson, Kevin Hooky, Mike Jensen, Mike Allred, Tyler Minchey, Arty Balatas, Gale Kesler, Joseph R. Dak, Jeff Noyes, Blake W. Sorensen, Clint C. Ellner, Guy Allred, Adam L. Guymon, Lynn Hansen, Cash Veater, Louis Vanderherp, Dan R. Young, Caroline F. Clayton, Kent Worthington, and several illegible signators.

Letter
#276

276-1

LONGWALL WEST, INC.

401 N. Carbonville Road • P.O. Box 973 Price, Utah 84501 • (435) 637-5002 • E-mail: longwall@afnetinc.com
February 5, 2002

Mary C. Erickson
Forest Supervisor
USDA Forest Service
Fishlake National Forest
115 East 900 North
Richfield, UT 84701

RE: Quitchupah Creek Road EIS

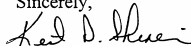
Dear Ms. Erickson:

As part of my business, my employees and I frequently travel to the SUFCO Mine. I support the construction of the Quitchupah Creek Road for the following reasons:

- 1) It will provide a shorter route from Emery County to the SUFCO Mine and the Acord Lakes area thus saving time and fuel;
- 2) Create a lower probability of accidents with passenger vehicles by reducing traffic on I-70 and the Acord Lakes Road;
- 3) Saves wear and tear on existing highways;
- 4) Provides alternative routes from Emery County to the Salina area, and;
- 5) Employment opportunities at the SUFCO Mine would be more appealing to Carbon and Emery residents.

We would appreciate your consideration and approval of the proposed Quitchupah Creek Road specifically Water Hollow, Alternative D.

Sincerely,

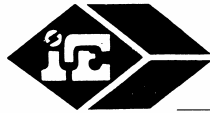


Kent D. Shiner, President

Response 276-1
Comments noted.

276

Letter
#337



Industrial Electric Motor Service

JANUARY 30, 2002

MARY C. ERICKSON
FOREST SUPERVISOR
USDA FOREST SERVICE
FISHLAKE NATIONAL FOREST
115 EAST 900 NORTH
RICHFIELD, UTAH 84701

RE: QUITCHUPAH CREEK ROAD EIS

DEAR MS. ERICKSON:

AS PART OF MY BUSINESS, I FREQUENTLY TRAVEL TO THE SUFCO MINE. I
SUPPORT THE CONSTRUCTION OF THE QUITCHUPAH CREEK ROAD FOR
THE FOLLOWING REASONS:

1. IT WILL PROVIDE A SHORTER ROUTE FROM EMERY COUNTY TO
THE SUFCO MINE AND THE ACORD LAKES AREA THUS SAVING
TIME AND FUEL;
2. CREATE A LOWER PROBABILITY OF ACCIDENTS WITH
PASSENGER VEHICLES BY REDUCING TRAFFIC ON I-70 AND THE
ACORD LAKES ROAD;
3. SAVES WEAR AND TEAR ON EXISTING HIGHWAYS;
4. PROVIDES ALTERNATIVE ROUTE FROM EMERY COUNTY TO THE
SALINA AREA;
5. EMPLOYMENT OPPORTUNITIES AT THE SUFCO MINE WOULD BE
MORE APPEALING TO CARBON AND EMERY RESIDENTS.

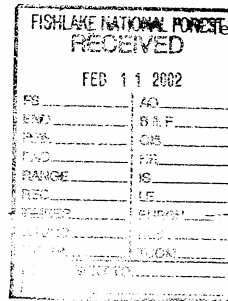
WE WOULD APPRECIATE YOUR CONSIDERATION AND APPROVAL OF THE
PROPOSED QUITCHUPAH CREEK ROAD SPECIFICALLY WATER HOLLOW,
ALTERNATIVE D.

SINCERELY

DAVID HINKINS
PRESIDENT

337

P.O. Box 340
Orangeville, Utah 84537
Telephone: (801) 748-2828
FAX: (801) 748-2089



Response 337-1
Comments noted.

337-1

Letter
#338

Mine Productivity Systems and Equipment

rm wilson co.

PO Box 973, Price, UT 84501

Feb. 5, 2002

R. M. Wilson Co., Inc.
Box 6274 3434 Market Street
Wheeling, West Virginia 26003

Mary C. Erickson
Forest Supervisor
USDA Forest Service
Fishlake National Forest
115 East 900 North
Richfield, UT 84701

FISHLAKE NATIONAL FOREST
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CUTTING _____

RE: Quitchupah Creek Road EIS

Dear Ms. Erickson:

As part of my business, I frequently travel to the SUFCO mine. I support the construction of the Quitchupah Creek Road for the following reasons:

1. It will provide a shorter route from Emery County to the SUFCO mine and the Acord Lakes area thus saving time and fuel;
2. Create a lower probability of accidents with passenger vehicles by reducing traffic on I-70 and the Acord Lakes Road;
3. Saves wear and tear on existing highways;
4. Provides alternative route from Emery County to the Salina area, and
5. Employment opportunities at the SUFCO Mine would be more appealing to Carbon and Emery County residents.

We at RM Wilson Co. would appreciate your consideration and approval of the proposed Quitchupah Creek Road specifically Water Hollow, Alternative D.

Sincerely,



Jud Siekmann
Western Sales Manager

rm wilson co.

JUD SIEKMANN
Western Sales Manager

Mine Productivity Systems and Equipment

PO Box 973
401 N. Carbonville Rd.
Price, Utah 84501
435/637-6950 Phone

Home 435/472-5061
Fax 435/637-5123
Cell 801/368-3675
1-800/624-5460

338

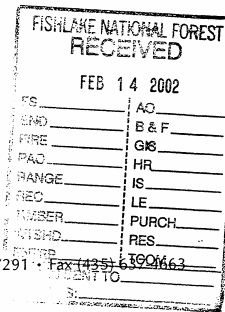
338-1

Response 338-1
Comments noted.

Letter
#342



P.O. Box 1626 • South of Price • Price, Utah 84501 • Telephone (435) 637-7291 • Fax (435) 639-0663



February 8, 2002

Mary C. Erickson
Forest Supervisor
USDA Forest Service
Fishlake National Forest
115 East 900 North
Richfield, UT 84701

RE: Quitchupah Creek Road EIS

Dear Ms. Erickson,

There are many positive reasons for granting the proposed annex for the Southern Utah Fuels Company (SUFCO) mining operations. First this will enable people who have been out of work from Carbon and Emery counties to seek employment.

Next, the completion of the roadway will also keep the tandem trucks off of Interstate 70 which many visitors to our state travel on. Also, the distance traveled to the mine site will be reduced saving wear and tear on vehicles, quicker service times, and less congestion.

The main purpose of granting the construction of the Quitchupah Creek Road - Alternative D is for coal haulage. However, this road would not be closed to the public and they would be able to enjoy new scenery.

We appreciate your consideration of the proposed Quitchupah Creek Road specifically Water Hollow, Alternative D.

Sincerely,

Anthony Martines
Accounts Manager

342

Response 342-1

Comment noted. See Section 3.14 Transportation. The proposed road would remove coal truck traffic from the SUFCO Mine on I-70 east to Fremont Junction and on SR-10 north to Quitchupah Creek Bridge.

Letter
#343



P.O. Box 1626 • South of Price • Price, Utah 84501 • Telephone (435) 637-7291 • Fax (435) 637-4663

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REMARKS: _____	

February 6th, 2002

Mary C. Erickson
Forest Supervisor
USDA Forest Service
Fish Lake National Forest
115 East 900 North
Richfield, Utah

Ms. Erickson:

As an Account Manager for Tram Electric, SUFCO mine is one of my sales accounts. I travel to SUFCO every Monday which means a 200 mile round trip. This also means traveling Salina Canyon during the winter months which we all know can be an adventure.

I strongly support the proposed Quitchupah Creek, Water Hollow, alternative D road. This would help minimize the safety concern of not driving Salina Canyon as well as allowing us to service this customer more effectively and efficiently in reducing the time and money now being spent.

Sincerely

Ronnie A. Jewkes
Account Manager

343

Response 343-1
Comments noted.

Letter
#344



P.O. Box 1626 • South of Price • Price, Utah 84501 • Telephone (435)

FISH LAKE NATIONAL FOREST	
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637-2291 • Fax (435) 637-466	
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REMARKS:	

February 8, 2002

Mary C. Erickson
Forest Supervisor
USDA Forest Service
Fish Lake National Forest
115 East 900 North
Richfield, Utah

Dear Ms. Erickson,

Our facility travels to SUFCO mine several times a week. I beleive that the shorter route from Emery county would benefit every vendor that services SUFCO mine, with less fuel cost, labor costs and wear and tear on vehicles.

This would also provide more versatile employment opportunities for the small communities in our area and an alternative route to the Salina area.

I support the proposed Quitchupah Creek road specifically the Water Hollow, alternative D and would appreciate your consideration and approval.

Sincerely, *Robert L. McKendrick*

Robert L. McKendrick
Director of Operations

344

Response 344-1
Comments noted.

344-1

Letter
#345



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REMARKS:	

P.O. Box 1626 • South of Price • Price, Utah 84501 • Telephone (435) 637-7290

February 08, 2002

Mary C. Erickson
Forest Supervisor
USDA Forest Service
Fishlake National Forest
115 East 900 North
Richfield, Ut. 84701

RE: Quitcupah Creek Road EIS

Dear Ms. Erickson:

As part of my duties as the Director of Sales and Marketing, I have a sales representative of Tram Electric Inc. visiting the Sufco mine at least once a week. I am also in charge of the fleet which involves all deliveries to this facility on a weekly basis. We stand to benefit greatly with the proposed Quitcupah Creek Road, specifically Water Hollow, Alternative D.

This alternate route will greatly reduce the likeliness of an accident because of the elimination for the need to travel Interstate 70, and also through the reduced miles.

This route will enhance our profitability by decreasing our travel time to and from the Sufco mine. This greatly reduces the wear and tear on the vehicles and allows a quicker response to our customers needs.

I feel that the Quitcupah Road will benefit not only Tram Electric, but the entire area in the future by making the entire Salina area more accessible.

I support the proposed Quitcupah Creek Road, specifically the Water Hollow, alternative D and would appreciate your consideration for approval.

Sincerely,

Cardell Mortensen
Director of Sales and Marketing

345

Response 345-1
Comments noted.

Letter
#346



FISHLAKE NATIONAL FOREST RECEIVED	
FEB 14 2002	
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REMARKS:	

P.O. Box 1626 • South of Price • Price, Utah 84501 • Telephone (435) 637-7291 • Fax (435) 637-4663

February 8, 2002

Mary C. Erickson
Forest Supervisor
U.S. Department of Agriculture
Fishlake National Forest
115 East, 900 North
Richfield, Utah, 84701

Re: Quitchupah Creek Road EIS

Dear Ms. Erickson:

As Director of Technical Services here at Tram Electric Inc., I as well as many members of our staff travel to the SUFCO mine very frequently in response to customer service needs, technical assistance, electrical apparatus repair and the like.

For obvious economic reasons, we would favor the construction of the proposed Quitchupah Creek Road as it would shorten the distance and thus our response time to a highly valued customer.

As we respond to calls 24 hours a day, it would also lower the probability of accidents with passenger vehicles that travel I-70 and the Acord lakes road. It would also provide an alternative route to Salina from the Emery County road Highway 10, saving wear and tear on the existing highway 10 as well as the interstate.

The construction of this road could heighten the employment opportunities for people from our Carbon and Emery county areas at the Sufco Mine.

We therefore support the construction of this road, and would appreciate your consideration for the approval of the proposed Quitchupah Creek Road, specifically Water Hollow, Alternative D.

Sincerely,
Tram Electric Inc.

K.R. Robb - Director of Technical Services

346

346-1

Response 346-1
Comments noted.

Letter
#347



P.O. Box 1626 • South of Price • Price, Utah 84501 • Telephone (435) 637-2911 • Fax (435) 637-6663

FISHLAKE NATIONAL FOREST RECEIVED	
FEB 14 2002	
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February 09, 2002

Mary C. Erickson
Forest Supervisor
USDA Forest Service
Fishlake National Forest
115 East 900 North
Richfield, Utah 84701

RE: Quitchupah Creek Road EIS

Dear Ms. Erickson,

Being located in the center of Utah's coal mining and in traveling great distances on a daily basis over the last 20 years, I was extremely excited to here about the possibilities of a new access to Southern Utah Fuel through Water Hollow. We have traveled highway 10 and interstate 70 many times through all kinds of weather in day or night. With each trip we eagerly await the verified return of our representative from their trip and require up dates and calls from them until their return. Due to the length of time to complete this trip and return, the cost to provide our service has been immense. With the new access I feel that this issue and as well as the following would benefit not only our company, but also all of us in southeastern Utah.

1. Reduced time on the highway would lessen potential highway accidents caused by fatigue.
2. Increasing efficiency and profit at Sufco through better response times by vendors, would provide increased support from Sufco for these vendors.
3. The construction would also aid in allowing Carbon and Emery county miners a better opportunity for employment at SUFCO. I believe the shorter distance would decrease potential absenteeism, increase individual production, thus helping develop a better work image for our miners.
4. Increasing overheard costs, mounting pressure for profits, and the ever changing technologies in mining has placed a larger demand for better trained employees. These higher costs as well as increased investment in test and production equipment have placed a huge financial burden on our company. It is imperative for us to continue being a viable vendor for our customers. The only way we can accomplish this is to take advantage of any and all situations that might add profits to our bottom line. We feel this is one of those opportunities.

It is with deep appreciation and sincerity that I request a positive consideration of the approval of the proposed Quitchupah Creek Road specifically Water Hollow, Alternative D.

Sincerely,


David L. Zaccaria

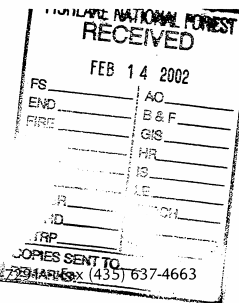
President.

Response 347-1
Comments noted.

347-1

(347)

Letter
#348



P.O. Box 1626 • South of Price • Price, Utah 84501 • Telephone (435) 637-4663

February 8, 2002

Mary C. Erickson
Forest Supervisor
USDA Forest Service
Fishlake National Forest
115 East 900 North
Richfield, UT 84701

RE: Quitchupah Creek Road EIS

Dear Ms. Erickson,

Our company representatives, from Tram Electric Inc. travel from Price Utah to the Sufco mine several times weekly, all year round. Top performing companies that apply best practices invest heavily in developing and improving customer satisfaction and work off a very small profit margin.

By understanding the driver of customer satisfaction, specific product and service characteristics that meet not only our customers needs, but small and large companies needs of our area, can focus on eliminating added fuel, vehicle wear, man hour costs, and reducing traffic on I-70 and the Acord Lakes Road with the probability of lowering accidents and essentially creating companies such as ours to, number one, deliver more safety, more customer value, and more company profit by reducing operating costs.

Our company and I support the construction of the Quitchupah Creek Road for the above reasons. Tram Electric Inc. would appreciate your consideration on the proposed Quitchupah Creek Road approval. Specifically Water Hollow, Alternative D.

If I can be of any assistance on the above subject, please feel free to contact me anytime.

Sincerely,

Tim L. Harper
Tim L. Harper
General Manager/VP

348

Response 348-1
Comments noted.

Letter
#350
through
#367

350-1

January , 2002

Mary C. Erickson
Forest Supervisor
USDA Forest Service
Fishlake National Forest
115 East 900 North
Richfield, UT 84701

RE: Quitchupah Creek Road EIS

Dear Ms. Erickson:

As part of my business, I frequently travel to the SUFCO mine. I support the construction of the Quitchupah Creek Road for the following reasons:

1. It will provide a shorter route from Emery County to the SUFCO Mine and the Acord Lakes area thus saving time and fuel;
2. Create a lower probability of accidents with passenger vehicles by reducing traffic on I-70 and the Acord Lakes Road;
3. Saves wear and tear on existing highways;
4. Provides alternative route from Emery County to the Salina area, and
5. Employment opportunities at the SUFCO Mine would be more appealing to Carbon and Emery County residents.

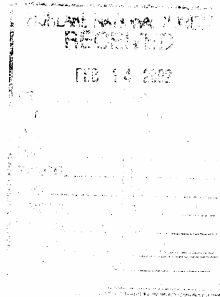
We would appreciate your consideration and approval of the proposed Quitchupah Creek Road specifically Water Hollow, Alternative D.

Sincerely,

Larry Julius

Address:

*836 N. Pioneer Circle
Price ut 84501*



Response 350-1
Comments noted.

350

Letter
#368



42 South Carbon Avenue
P.O. Box 911
Price, Utah 84501
Phone (435) 637-5770
FAX (435) 637-9766

February 13, 2002

Mary C. Erickson
Forest Supervisor
USDA Forest Service
Fishlake National Forest
115 East 900 North
Richfield, UT 84701

RE: Quitchupah Creek Road EIS

Dear Ms. Erickson:

As part of my business, I frequently travel to the SUFCO mine. I support the construction of the Quitchupah Creek Road for the following reasons:

1. It will provide a shorter route from Emery County to the SUFCO Mine and the Acord Lakes area thus saving time and fuel;
2. Create a lower probability of accidents with passenger vehicles by reducing traffic on I-70 and the Acord Lakes Road
3. Saves wear and tear on existing highways;
4. Provides alternative route from Emery County to the Salina area, and
5. Employment opportunities at the SUFCO Mine would be more appealing to Carbon and Emery County residents.

We would appreciate your consideration and approval of the proposed Quitchupah Creek Road specifically Water Hollow, Alternative D.

Sincerely,

Julie A. Moretti
President
CUSTOM SUPPLY, INC.

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368-1

Response 368-1
Comments noted.

368

Letter
#369

Barclay Mechanical Services, Inc.

595 West 100 North
Manti, UT 84642
435-835-5084
Toll Free 1-877-835-5084

February 7, 2002

Mary C. Erickson
Forest Supervisor
USDA Forest Service
Fishlake National Forest
115 East 900 North
Richfield, Utah 84701

RE: Quitchupah Creek Road EIS

Dear Ms. Erickson:

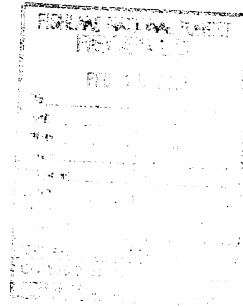
As part of my business, I frequently travel to the SUFCO mine. I support the construction of the Quitchupah Creek Road for the following reasons:

1. It will provide a shorter route from Emery County to the SUFCO mine and the Acord Lakes area thus saving time and fuel;
2. Create a lower probability of accidents with passenger vehicles by reducing traffic on I-70 and the Acord lakes Road;
3. Saves wear and tear on existing highways;
4. Provides alternative route from Emery County to the Salina area, and
5. Employment opportunities at the SUFCO mine would be more appealing to Carbon and Emery County residents.

We would appreciate your consideration and approval of the proposed Quitchupah Creek Road specifically Water Hollow, Alternative D.

Sincerely,
Barclay Mechanical Services, Inc.

Michael D. Barclay
Michael D. Barclay
Owner



Response 369-1
Comments noted.

369-1

369

Letter
#370

Barclay Mechanical Services, Inc.

595 West 100 North
Manti, UT 84642
435-835-5084
Toll Free 1-877-835-5084

February 7, 2002

Mary C. Erickson
Forest Supervisor
USDA Forest Service
Fishlake National Forest
115 East 900 North
Richfield, Utah 84701

RE: Quitchupah Creek Road EIS


Dear Ms. Erickson:

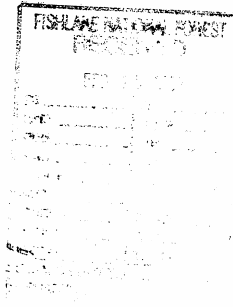
As part of my business, I frequently travel to the SUFCO mine. I support the construction of the Quitchupah Creek Road for the following reasons:

1. It will provide a shorter route from Emery County to the SUFCO mine and the Acord Lakes area thus saving time and fuel;
2. Create a lower probability of accidents with passenger vehicles by reducing traffic on I-70 and the Acord lakes Road;
3. Saves wear and tear on existing highways;
4. Provides alternative route from Emery County to the Salina area, and
5. Employment opportunities at the SUFCO mine would be more appealing to Carbon and Emery County residents.

We would appreciate your consideration and approval of the proposed Quitchupah Creek Road specifically Water Hollow, Alternative D.

Sincerely,
Barclay Mechanical Services, Inc.


Lorin Sanders



Response 370-1
Comments noted.

370

Letter
#371



Utah Wildlife Federation
Post Office Box 526367
Salt Lake City, Utah 84152-6367
Phone 801 487-1946

February 8, 2002

Ms. Linda L. Jackson
Public Affairs Officer
Fishlake National Forest
115 East 900 North
Richfield, UT 84701

Subject: Quitcupah Creek Road Project Draft Environmental Impact Statement (EIS)

Dear Ms. Jackson,

Thank you for providing us a copy of the EIS and for requesting our comments. Our detailed comments are provided on the attached pages.

In summary, we cannot support implementation of either Alternative B, C, or D. Regardless of which one of the three alternatives would be implemented, there would be a direct loss of wildlife habitat and high potential for losses of big game and other wildlife species due to wildlife and vehicle collisions. The alternatives do not provide compensation for those losses. The habitat and the wildlife species discussed in the EIS are publically owned and we believe the public deserves compensation for those losses.

Should you have any questions regarding our response, feel free to contact me at 435 882-2023. My fax number is 435 843-0486 and my email address is gerald@aros.net.

We thank you for the opportunity to comment on this important public lands management proposal.

Please keep us advised on the progress of this proposed project.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gerald E. Gordon".
Gerald E. Gordon
Chair, Habitat Committee

371

Response 371-1

See Responses 411-3 (Federal) and 403-11. Potential impacts to wildlife and wildlife habitat are presented in Section 3.5 of the FEIS.

Response 371-2

Analysis of potential impacts to wildlife from vehicle collisions is included in the FEIS. Mitigation includes fencing of the road to exclude wildlife. Applicant committed measures include underpasses, fence crossings, and/or bridges to facilitate wildlife movement.

**Letter
#371**

371-3

The EIS does not discuss any proposed action to offset the losses of wildlife habitat.

E. Will the proposed action contribute to the restoration of native fish and wildlife species to their historic habitat ranges?

Alternative B. No.
Alternative C. No.
Alternative D. No

Implementation of either of the three proposals will adversely affect wildlife movement to their historic ranges in various ways such as:

- (1) Fencing the paved road (even though underpasses may be provided for wildlife movement, it is not natural for wildlife to use underpasses).
- (2) The level of human activity will increase which will tend to discourage wildlife movement.
- (3) Increased number of coal carrying vehicles and increases in the number of visitor vehicles will increase noise levels. Such noise will discourage wildlife movement.
- (4) The increase in motorized vehicles using the paved road will increase the potential for wildlife/vehicle collisions and wildlife losses.

F. Will the proposed action sustain, or create additional public hunting and fishing opportunities?

The answer to this question is no. As currently written, Proposals B, C, and D do not offer the opportunity for additional public hunting and/or fishing opportunities.

3. Conclusions.

A. In reviewing the draft EIS we could not find any discussion that the loss of wildlife habitat and losses of wildlife would be compensated.

B. We cannot support implementation of Alternatives B, C, or D, unless there are compensations for the loss of wildlife habitat and losses of wildlife resulting from wildlife/vehicle collisions.

End of comments

Response 371-3

See Responses 411-3, 411-4, 411-25 (Federal), and 403-11. There are no sport fisheries in the Project Area. The wildlife section of the FEIS analyzes the impacts of fencing, increased activity, and wildlife/vehicle collisions (See Section 3.5). Fencing will generally preclude wildlife from the roadway and lessen wildlife/vehicle collisions. The Project would enable better access for hunting opportunities.

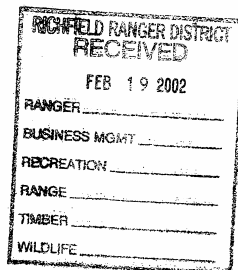
Applicant committed measures have been included in the design of the three build alternatives to replace wetland and riparian habitats lost to road construction, to replace filled stream channels, and to seed big game winter range.

Letter
#375

Neal Savage
Chairman

February 14, 2002

Ms. Linda L. Jackson
Public Affairs Officer
Fishlake National Forest
115 East 900 North
Richfield, UT 84701



Savage Industries Inc.
5250 South Commerce Drive
Suite 200
Salt Lake City, Utah 84107
(801) 263-9400
(801) 261-8766 FAX

Dear Ms. Jackson:

Savage Industries would like to take this opportunity to support the Quitcupah Creek Road proposal, and specifically Alternative D - Water Hollow Road route. Our understanding is that this route provides the least amount of conflict or controversy with landowners, local Native American tribes and environmental groups.

The truck traffic would be re-directed to the Quitcupah Creek Road, which would be built and maintained through tolls assessed on the coal haulage trucks.

The Quitcupah Creek Road reduces, by approximately 50 miles roundtrip, the impact on the State Highways and particularly avoids the southern most portion of SR-10, which is in poor repair. From the Sufco Mine the gradient is generally down hill, which is a significant improvement when compared to the substantial grades encountered on the Acord Lake road and on I-70.

The development of a shorter route between the SUFCO Mine and Highway 10 would reduce the time and fuel consumption for the hauling of coal to the Hunter Power Plant and the Savage Coal Terminal near Wellington. In addition, it considerably reduces the truck traffic on I-70 and the most southern portion of SR-10, thus reducing the potential for accidents with other motorists using the same roads as the trucks hauling coal.

The simple fact is that a shorter and improved route to SR-10 is a positive improvement for coal haulage. Coal will be hauled from the SUFCO Mine to the Hunter Power Plant and Savage Coal Terminal. The question is how to best manage the truck traffic. The new Quitcupah Road, Water Hollow Alternative D, should be constructed and the "No Action" alternative is not acceptable.

Thank you for the opportunity to comment on the Quitcupah Creek Road proposal.

Sincerely,


Neal Savage

The Materials Management and Transportation Systems Company

375

Response 375-1

The proposed road in Quitcupah Creek would be a downhill run for loaded coal trucks to SR-10, no summits or steep grades. The proposed road would remove coal truck traffic from the SUFCO Mine on I-70 east to Fremont Junction and on SR-10 north to Quitcupah Creek Bridge.

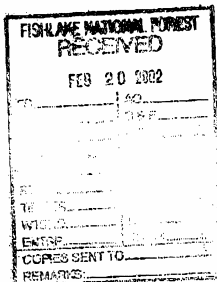
Letter
#377

03/19/02 TUE 11:15 FAX 801 896 9347

FISH LAKE NTL. FOREST

003

DBT America
P.O. Box 1190
Route 10, 1 Mile North
Huntington, UT 84528
PH: (435) 687-9831 FX: (435) 687-2522



February 18, 2002

Mary C. Erickson
Forest Supervisor
USDA Forest Service
115 East 900 North
Richfield, UT 84701

Dear Ms. Erickson:

DBT America Inc. Western Region currently has a base location in Price and one in Huntington. I, along with our service engineers and account managers, frequently travel to the SUFCO mine. I am in support of the construction of the Quitchupah Creek Road for the following reasons:

1. Save time and fuel by providing a shorter route from Emery and Carbon counties to the SUFCO Mine
2. Reduce traffic on heavily traveled I-70
3. Save wear and tear on existing highways
4. Provides an alternate route to the Salina area

We would appreciate your consideration for approval of the proposed Quitchupah Creek Road, specifically Water Hollow, alternative D.

Sincerely,

DBT AMERICA INC.

Tim McCallum
Vice President
Western Region

TPM:lc

377

Response 377-1
Comments noted.

Letter
#380
(also #382
through
#388)

380-1



February 20, 2002

Mary C. Erickson
Forest Supervisor
USDA Forest Service
Fishlake National Forest
115 East 900 North
Richfield, UT 84701

RE: Quitchupah Creek Road EIS

Dear Ms. Erickson:

As part of my business, I frequently travel to the SUFCO Mine. I support the construction of the Quitchupah Creek Road for the following reasons:

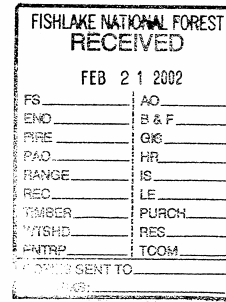
1. It will provide a shorter route from Emery County to the SUFCO Mine saving time and fuel;
2. Create a lower probability of accidents with passenger vehicles by reducing traffic on I-70;
3. Save wear and tear on existing highways;
4. Provide alternative route from Emery County to the Salina area;
5. Employment opportunities at the SUFCO Mine would be more appealing to Carbon and Emery County residents.

We would appreciate your consideration and approval of the proposed Quitchupah Creek Road specifically Water Hollow, Alternative D.

Sincerely,
JOY MINING MACHINERY

A handwritten signature in black ink, appearing to read "John Grako".

John Grako
Sales Manager
Western Region



380

JOY MINING MACHINERY, 1275 Ridge Road Wellington, Utah (435) 637-6161

Response 380-1
Comments noted.

Letter
#381-388



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WTRHD	RES
ENTRP	TOOM
COMPL	
REMARKS	

DBT America
P.O. Box 1016
1814 North 1500 West
Price, Utah
Telephone (435)-637-3930
Telefax (435)-637-9754

February 15, 2002

Mary C. Erickson
Forest Supervisor
USDA Forest Service
115 East 900 North
Richfield, UT 84701

Dear Ms. Erickson:

As part of my business, I frequently travel to the SUFCO mine. I support the construction of the Quitchupah Creek Road for the following reasons:

1. It will provide a shorter route from Emery and Carbon county to the SUFCO mine thus saving time and fuel.
2. Create a lower probability of accidents with passenger vehicles by reducing traffic on I-70.
3. The shorter route save wear and tear on existing highways.
4. Provides alternative route from Emery County to the Salina area.

We would appreciate your consideration and approval of the proposed Quitchupah Creek Road specifically Water Hollow, Alternative D.

Sincerely,

Title: Sr. Service Engineer

DBT AMERICA INC.

381

Response 381-1
Comments noted.

This letter also signed by: Vickie Shreve, Dan Taping, Sean E. Anderson, Mike Dammian, Paul Chacar, Dustin Anderson, and one illegible signature.

Letter
#396

03/19/02 TUE 11:16 FAX 801 896 9347

FISH LAKE NTL. FOREST

007



Canyon Fuel Company, LLC
SUFco Mine
397 South 800 West
Salina, Utah 84654
(435) 283-4880 Fax: (435) 286-4499

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Ms. Mary C. Erickson
Forest Supervisor
USDA Forest Service
Fishlake National Forest
115 East 900 North
Richfield, UT 84701

RE: Quitchupah Creek Road Draft Environmental Impact Statement

Dear Ms. Erickson:

Canyon Fuel Company, LLC (CFC) and the Sufco Mine appreciate this opportunity to comment on the Quitchupah Creek Road Draft Environmental Impact Statement (DEIS). This DEIS represents the culmination of several years of cooperative effort by the Fishlake National Forest (Forest), Bureau of Land Management (BLM), Sevier and Emery Counties, the local landowners, and Sufco to improve the local economies and safety of the regional public roads. We appreciate the effort that all interested parties have made in finding a workable solution to building this road.

CFC and Sufco would like to express their support for the Alternative "D" public road right-of-way, referred to as the Water Hollow Road Alignment in the DEIS. This alternative would bypass the historical and prehistoric cultural resource sites and the wetlands associated with Quitchupah Creek. While the costs of construction would be greater, this route mitigates the impact to critical wildlife habitat, concerns of the private landowners and Native American tribes.

The Alternative "D" route meets the needs of the mine as a second access for transporting coal while accommodating emergency services. Because of its location away from Quitchupah Creek, any potential stream degradation from road construction and use would be reduced when compared to Alternative B and C.

The historic use of the Quitchupah Canyon for driving cattle between winter and summer ranges should be protected. Road designs could include allowances for the driving of cattle adjacent to the road through the narrow sections of the Quitchupah Canyon. The mine is more than willing to work with the cattlemen on the scheduling of coal shipments to allow for the safe passage of livestock through these areas, but road design and construction could allow for cattle movement without impact from coal transportation. Sufco believes that an equitable solution can be found for this problem with minimal additional effort during the design and construction phase of this project.

396

Response 396-1

A fenced cattle trail would be constructed along 1.5 miles of the western end of the proposed road where topography limits free movement of livestock. East of that, the cattle would trail outside the fenced road corridor.

396-1

Letter
#396

03/19/02 TUE 11:17 FAX 801 886 9347

FISH LAKE NTL. FOREST

008

Again, CFC and Sufco appreciate the Forest's and BLM's efforts in preparing the DEIS. We are looking forward to the completion of the final EIS, the construction of the Water Hollow Alternative "D" Road, and preserving the long-term benefits from the Sufco Mine to the residents of both Sevier and Emery Counties.

Sincerely,
CANYON FUEL COMPANY, LLC
SUFco Mine


Kenneth E. May
Mine Manager

KEM:kb

396

Letter
#398



Utah Archaeological Research Institute
791 Nancy Way
North Salt Lake, Utah 84054

(801) 936-4630
www.UtahRockArt.info

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PIRE	GIS
PAO	HR
RANGE	IS
REC	LE
TIMBER	PURCH
WTGHD	RES
ENTRP	TCOM

Marty C. Erickson
Forest Supervisor
Fishlake National Forest
115 E. 900 North
Richfield, Utah 84701

We would like to comment on the Draft Environmental Impact Statement (DEIS) issued jointly by the BLM and Forest Service concerning the SUFCO coal haul road through Quitchupah Creek and Convulsion Canyon.

We have concerns that the degree to which the archaeological sites in the canyon will be adversely impacted by the proposed project have neither been adequately stated nor discussed in the DEIS. The uniqueness and value of these archaeological sites to provide scientific information has not been adequately described.

At the junction of Quitchupah Canyon with the North Fork, there are about 10 panels of rock art (pictographs and petroglyphs) with another 4 or 5 panels in the vicinity. Some of these will be destroyed by construction of the proposed road if either alternative B or C is selected.

The largest numbers of images in this area are the uncommon Barrier Canyon Style and Glen Canyon Style 5. Glen Canyon Style 5 is the oldest style of rock art yet identified in Utah. It dates from the Archaic Period, which began about 7,000 years ago and lasted up to about 2,000 years ago. The Barrier Canyon style may also have begun in this period, but it lasted much longer. There are also Fremont and Ute images in the panels. The Barrier Canyon Style and Glen Canyon Style 5 images in the panels are important because of their extreme age. They also are excellent examples of their style types, and embody distinctive characteristics that are rare in their styles.

The Glen Canyon Style 5 images in this location are one of the most northwestern sites of this style, and are important because of this fact. (The highest concentration of these images is in southeastern Utah and northeastern Arizona.) These, and all other images in this location, are important because of their potential to provide information concerning the movement over time and through space of the people in the prehistoric cultures who created them. These images have the potential to answer the questions of why these people were at this extreme northern location in their range and when the cultures were present in the canyon.

Additionally, there are images at this location that appear to be combinations of Barrier Canyon Style and Fremont Style. These are of critical importance to understanding the relationships between the prehistoric rock art styles and the interactions of various cultures. Furthermore,

398

Response 398-1

The FEIS text in Section 3.12 regarding the cultural resources within the project area has been revised to better describe the uniqueness and significance of the sites. The proposed road through Quitchupah Creek canyon has been rerouted in the area of the rock art sites in order to avoid possible impacts from road construction activities.

**Letter
#398**

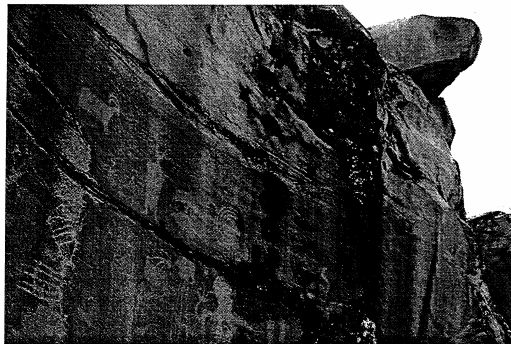
398-2

since these combinations exist, the panels have the potential to provide information on determining when the relationships took place and how they changed over time. The potential for obtaining this important information in the Quitchupah Creek and Convulsion Canyon area is unique to these sites. This significance needs to be discussed in the EIS.

These panels are unique. In our experience, we have found no other rock art panels that are exactly like these anywhere in Utah. This fact needs to be discussed in the EIS. (As evidence from which to draw this conclusion, please see the attached map of rock art sites located by the Utah Archaeological Research Institute over the past 30 years.)

No one knows what these images mean, or why they were placed at this location. Research is currently being conducted at these locations to determine answers to these, and other questions. Since the meaning, function and purpose of these images has not yet been discovered, no adverse impacts to these figures are acceptable, or important and significant information may be lost. This should be also stated in the EIS.

Furthermore, preliminary research at these panels has shown that the images have the potential to provide important information about the archaeoastronomical beliefs and practices of these ancient people. On the north facing side of the large rock at the junction of Quitchupah Canyon and North Fork, there is a unique panel of spectacular petroglyphs. It is unusual for panels to be placed on north facing rock surfaces. This placement suggests that the panel may have unusual properties. Overhanging this panel is a pointed rock that casts a sundial-like shadow across the panel as the sun moves across the sky. See photographs below. There is a possibility that this shadow may align with features of the panel at various times of the year and act as a calendar.



Photograph showing shadow casting rock above panel.

398-3

If the road is built past this feature, there is a very real possibility that the vibrations from construction and/or operation of the heavy coal trucks will move this rock and destroy any

Comments of the Utah Archaeological Research Institute concerning Quitchupah DEIS, Page 2

398

Response 398-2

The FEIS contains a more detailed description of the rock art in Quitchupah Creek canyon. The presence of several rock art styles indicates that the area was utilized for thousands of years. The styles exhibited and the groups affiliated illustrate a common attraction and uniqueness to the area. The impact analysis has been revised to reflect the unique nature of these sites.

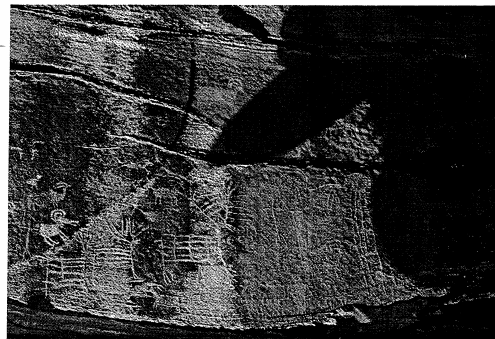
Response 398-3

Vibrations due to construction activities, blasting, and coal truck traffic would not adversely affect the cultural resource sites, specifically the rock art sites. The proposed road corridor down Quitchupah Creek canyon was rerouted to the south side of the creek in order to avoid the rock art and other cultural resources in that area. Rock art and structural cultural resources are the site types potentially most susceptible to impacts from minimal movement/damage to structural failure and loss of the resource. As presented in the BLM Handbook H-3150, illustration 10, the BLM has determined that peak velocities at the base of standing cultural structures and rock art should not exceed 0.75 inches per second. The BLM's distance of set-back, for example, is 205 feet for a 10 lb charge buried 10 feet. The set-back for a 10 lb charge at the surface increases to 1,013 feet. There are no proposed blasting areas within 1,200 feet of the rock art complex. BLM guidelines for blasting set-backs would be utilized.

Normal environmental conditions to which these resources are subjected on a daily basis and which cause similar effects include wind, temperature changes, humidity changes, and vibrations from aircraft and vehicles. Failures of prehistoric structures and rock art occur as natural events, a function of ever-present forces of erosion and decay. Precipitation combined with freeze-thaw cycles and other natural processes can impact the stability of these sites.

**Letter
#398**

potential for determining the astronomical functioning of the site. Even the slightest movement may be detrimental. Thus, important information may be lost. The potential for loss of this important information needs to be discussed in the EIS.



Photographs showing the movement of the shadow across the panel.
Photographs taken in June 1981.

Research conducted by Jesse Warner (Utah Rock Art Volume VIII, Section 4, "Solar Observations at Quitcupah, Utah 1988-1989") also indicates that other panels in the area, including one that may be destroyed if the road is built, also have archaeoastronomical significance.

Comments of the Utah Archaeological Research Institute concerning Quitcupah DEIS, Page 3

398

Response 398-4

Although archaeoastronomical significance of the rock art in the Quitcupah Creek area has been examined (Warner, 1989), this area of study is inconclusive and therefore not included in the analysis. These sites are unique and eligible for the National Register of Historic Places.

The proposed alignment for Alternative B, Quitcupah Creek Road, and Alternative C, Alternate Junction, has been shifted south from the alignment in the DEIS (which was about 60 feet from the panels). This new alignment would place the proposed road about 300 feet away and across the creek from the panels. The new alignment would also avoid impacting some other known cultural sites located within the previous alignment. No additional eligible sites are within this modified route.

The existing road currently routed between the creek and the panels would not be used for access. This would tend to limit access for casual visitors.

This modification to Alternatives B&C will lessen the potential for impacts of a busy public road next to the rock art site.

**Letter
#398**

398-5

398-2
cont.

Because the prehistoric images along Quitcupah Creek are both unique and have the potential to provide significant and important information about the prehistory of the area and about archaeoastronomy, they are eligible for inclusion in the National Register of Historic Places. This should be discussed in the EIS.

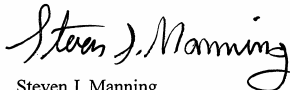
Because of the information presented here, the significance of secondary impacts to the archaeological sites and panels of rock art and resulting loss of important information, should be discussed further and evaluated in the EIS.

Furthermore, impacts from road construction, diesel fuel exhaust and coal dust need to be discussed and determined. The impacts of these substances may make future dating of the rock art impossible. This needs to be stated in the EIS.

In conclusion, we know that these images are unique. This cannot be stressed enough. No other rock art panels exactly like these exist anywhere else in Utah and anywhere else in the entire world. At no other locations were the combinations of cultures, time periods and meanings of rock art present that would lead to the creation of these rock art panels. The potential for discovering significant and important information about the prehistory of the area, and about the prehistory of the western United States, from these images is unquestionable. These facts must be clearly stated in the EIS.

Primary impacts as discussed in Alternative B and C indicate that damage, even destruction of some of these significant rock art panels, will occur. The only acceptable alternative, given the above information, is action A – no action.

Sincerely,



Steven J. Manning
Director and Principal Investigator

Response 398-5

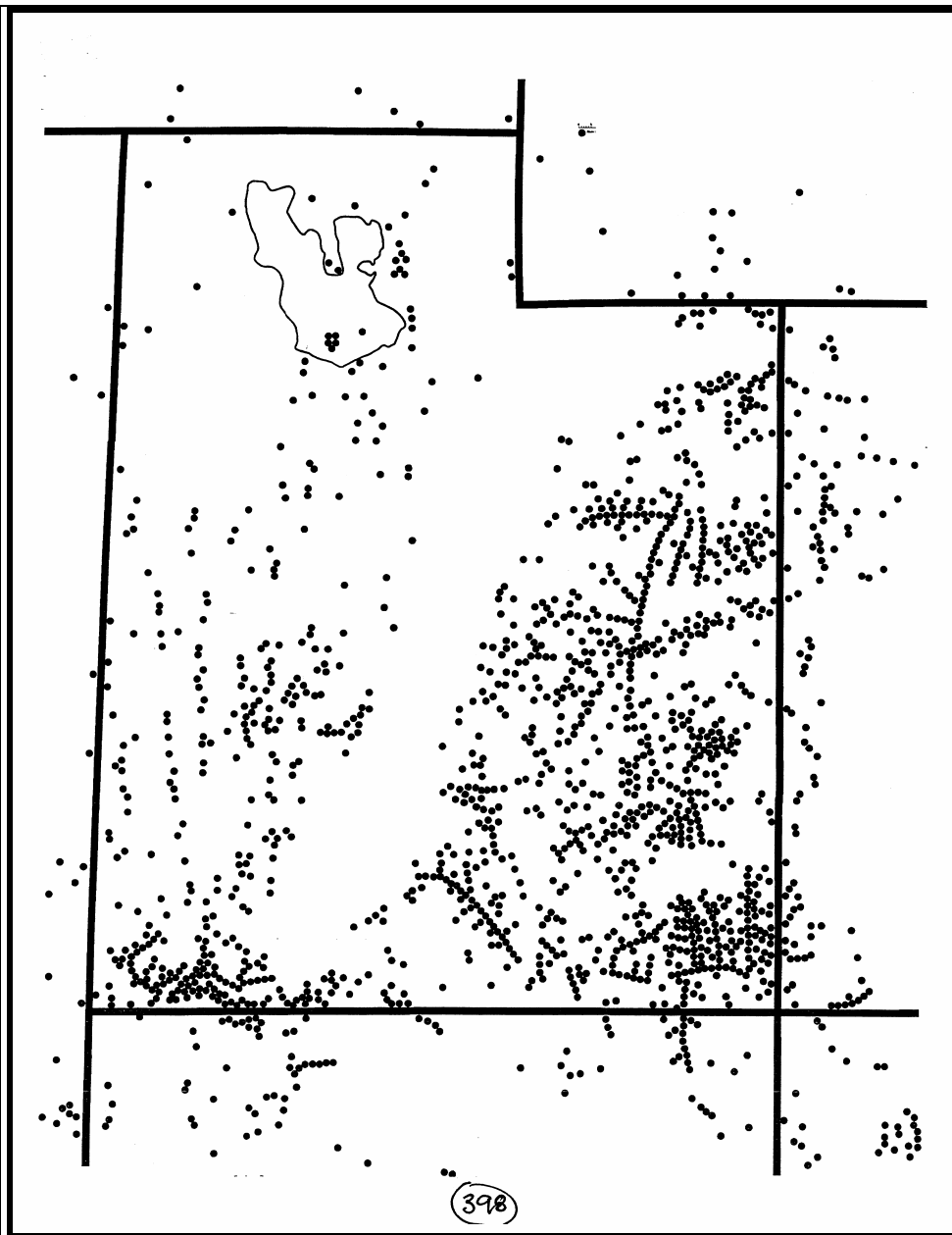
The FEIS text in Section 3.12 regarding possible impacts, including indirect impacts, to cultural resource sites has been revised. Direct impacts, depending on the alternative chosen, could include site destruction, loss of integrity, and increased erosion. Indirect impacts include possible vandalism from increased accessibility and use of the area for recreation.

Vibrations during construction and produced by coal transport trucks could cause impacts to the rock art sites. Dust from road construction would be suppressed through use of water or an approved dust suppressant. There is no conclusive evidence that emissions would impact the rock art.

Quantifying air pollution damage is difficult. The damage function is the quantitative relationship relating the influence of a pollutant, such as diesel emissions, on a receptor-like stone. The mathematical form of the damage function depends on whether the ambient air concentration or deposition rate is the measure of pollution and also on the measure of damage, such as surface loss or chemical denudation (Livingston 2002). Air pollution standards are created for human health protection utilizing ambient air quality standards. A measure of deposition rate would be more appropriate in determining the affects on rock art.

Motor vehicles generate three major pollutants: hydrocarbons, nitrogen oxides, and carbon monoxide. Nitrogen oxides are produced from burning fuels, including gasoline and coal. Ground-level ozone is a product of reactions between chemicals that are produced by burning coal, gasoline, other fuels, and chemicals. Vehicles and industries are the major sources of ground-level ozone. Particulate Matter is any type of solid in the air in the form of smoke, dust, and vapors, which can remain suspended for extended periods. Particulates are produced by many sources, including burning of diesel fuels by trucks, fossil fuels, road construction, and industrial processes such as mining. Volatile Organic Compounds (VOCs) are organic chemicals, many of which are hazardous air pollutants. Vehicle emissions are an important source of VOCs. As stated above, these are human health standards which do not apply readily to the damage function. Therefore stating that these emissions/pollutants are within or out of acceptable range does not imply the same in regards to affects to rock art in the area. Sufficient data to analyze pollutant damage to the rock art does not exist and therefore does not appear in the analysis.

Letter
#398



**Letter
#400**

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February 11, 2002

Linda L. Jackson
Public Affairs Officer
Fishlake National Forest
115 East 900 North
Richfield, UT 84701

Kay Erickson
Realty Specialist
Bureau of Land Management
Richfield Field Office
150 East 900 North
Richfield, UT 84701

Re: Draft Environmental Impact Statement - Quitchupah Creek Road

Dear Ms. Jackson and Mr. Erickson,

As Castle Valley has previously stated, it strongly opposes Alternatives B and C of the Draft Environmental Impact Statement ("DEIS").

Nevertheless, after a thorough review, in depth discussions with many of the parties and others submitting comments on the proposal, and serious, thoughtful consideration of the social, cultural, environmental, and economic needs of the region, Castle Valley is prepared to support the Alternative D, the Water Hollow Route, as identified in the DEIS. Castle Valley believes that this Alternative best protects the irreplaceable cultural, environmental, aesthetic, and social values of Quitchupah Canyon, while adequately providing for the economic requirements underlying the proposal for the construction of the road.

Castle Valley's Interests:

Castle Valley owns approximately 16,000 acres of land in Emery County, plus approximately 2,000 acres in Sevier County. In addition, it leases several thousand fee acres in Emery County, and has grazing permits on several thousand additional acres of State, Forest Service, and BLM land in Emery, Sevier, and Wayne Counties. It runs almost 2,000 cows, 200 bulls, and over 100 horses on its lands. It is also actively involved in developing its lands for other outdoor activities such as bird and big game hunting, as well as providing the public with general out-door experience opportunities under the guidance of trained outdoorsmen, which Castle Valley believes will bring additional employment, recognition, and economic activity to the area, which is not dependent on the minerals extraction industry.

While most of Castle Valley's land is located within the Emery/Moore area, it has significant land holdings in the immediate vicinity of Quitchupah Canyon and is the principal

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400-1

user of the water in the Quitchupah Creek. Its fee land holdings include two plots of land directly in Quitchupah Canyon, which will be directly and negatively impacted by the Alternatives B and C rights-of-way. One of these plots is a choice piece of tillable acreage currently used for raising alfalfa and other cattle feed in the summer and winter pasture in the winter. This acreage also provides valuable winter range for the wild ungulate population of the area, and supports prey species for the Raptors and small predator species that live in or migrate into and out of the Canyon. These values, as well as the cultural and aesthetic treasures of the Canyon, figure largely in Castle Valley's attraction to Quitchupah Canyon and its planned development of light-impact outdoor activities development. These values will be largely destroyed by any development of the proposed road along the Alternative B or C routes.

In addition to its land holdings and water interests in and around the Quitchupah Canyon, Castle Valley uses the Canyon for access to and from its summer range for a portion of its cattle. Losing the use of the Canyon for its spring and fall cattle drives would add significant cost to the already cost-strapped cattle business of Castle Valley and the other local cattlemen. As noted in the DEIS, construction of the road under Alternatives B or C would render most of the Canyon livestock trail unusable, and the road would pose a substantial hazard for livestock in the Canyon.

Thus, Castle Valley's interests in the outcome of this proposal are both direct and substantial.

Values to Be Protected:

Quitchupah Canyon is a unique segment of the heritage of Utah. Castle Valley has expended considerable effort to properly identify and evaluate this heritage. Based on the information produced through its contacts, Castle Valley submits that the Canyon should receive active protection from all levels of government to preserve its many singular values, among which are the following:

Cultural:

It seems to Castle Valley that the DEIS is almost sterile and devoid of real analysis in its discussion of the cultural values of the Canyon. Castle Valley's efforts to understand the cultural heritage of the Canyon indicate that the Quitchupah Canyon has played a significant part in the lives of the Native Americans of the region for several thousand years, and may be one of the few locations in Utah, if not the lone location, where representative examples of the art of all of Utah's principal prehistoric cultures are present. Castle Valley has been advised that Native American rock art dating back almost 5,000 years is not only present in the Canyon, but that it is present in an uniquely confined area.

400-2

It is feared that some of this unique heritage may have already been covered or otherwise disturbed by the limited road building and maintenance conducted in the Canyon in the past.

Response 400-1

A cattle trail would be constructed along 1.5 miles of the western portion of the proposed road where topography limits free movement of the livestock. East of that, the cattle would trail outside the fenced road corridor. Livestock trailing through the Quitchupah Creek area would continue. See Section 3.8 for additional information.

Response 400-2

The FEIS contains revised sections for cultural resources and Native American Concerns (Sections 3.12 and 3.13). Should Alternative B or C be selected then mitigation would be developed and approved by the appropriate agencies for impacted cultural resource sites, including potential indirect impacts to the rock art sites. The tribes, as consulting parties, would be involved in resolving and approving mitigation measures.

An ethnographic study (Stoffle et al. 2004) of the Quitchupah Creek area was conducted with the Paiute Tribe. This is summarized in Section 3.13.

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400-2
cont.

Castle Valley has been advised, however, that the portions covered or disturbed by this past human activity may be recoverable.

Not only is there unique rock art value to the Canyon, which Alternatives B and C would at best threaten, and at worst destroy, a number of other cultural and archeologic sites, both prehistoric and historic, have been identified. The DEIS itself notes that there is no way to avoid negative impacts to the sacred nature of the Canyon for Native Americans or to avoid negative impacts to rock art and other cultural sites if Alternatives B or C are selected. Its conclusion that "[t]he sacredness of the canyon...would be irretrievably violated by the construction and operation of a public haul road[, and e]ligible prehistoric sites not excavated for salvage would be unmitigated residual impacts due to the road construction[.]" cannot be emphasized strongly enough. In fact, Castle Valley believes that instead of attempting to determine whether these resources should be permitted to be negatively impacted or destroyed, the BLM and Forest Service should be evaluating the method and timing of preserving these unique resources for future generations.

Taking the long-term view, Castle Valley believes that over time these cultural treasures represent a valuable resource which can form the basis for regional economic growth. Without protection these assets will be lost to future generations and will never reach their full cultural and economic potential.

Castle Valley submits that Alternatives B and C should be rejected solely because of their destructive potential to valuable cultural resources.

Nevertheless, while rejecting Alternatives B and C because of the extremely negative impact on the cultural resources of the Canyon, Castle Valley recognizes that economic development should not be sacrificed if a reasonable alternative is available. Therefore, on balance Castle Valley supports the construction of the haul road under the Alternative D proposal, because of Alternative D's avoidance of the cultural resources of Quitchupah Canyon.

Environmental :

The Quitchupah Canyon is a steep, narrow, canyon with a small stream running in its bottom. Although the stream is generally small, in times of peak runoff in the spring or following thunderstorm events, the stream can become quite violent and erosive. This, coupled with the fact that the soils in the Canyon are easily eroded, means that the route to be followed by Alternatives B and C is extremely unstable. The instability of the route, along with the gated nature of the road over the private lands in the canyon, is a major reason that the Quitchupah Canyon road is little traveled. In addition to the other impacts from heavy traffic in the Canyon, it is to be expected that the vibrations and emissions from the blasting and construction work, followed by those from the heavy trucks moving regularly up and down the road, will inevitably, unnecessarily, and irretrievably damage such cultural resources as are left otherwise undestroyed in the Canyon.

400

400-3

Response 400-3

We agree that Quitchupah Creek=s flow is flashy and erosive, and that the upland watershed contains erodible soils; those characteristics were described in the Draft EIS. While there is no doubt that the existing road is unstable, the road design features, BMPs, and monitoring program for the proposed routes B and C would alleviate many of the problems of the current road. In addition, the applicant and agency-committed measures would help to compensate for any increased erosion or sedimentation from the project.

The barrier affect of the proposed road and habitat fragmentation will be detailed in the FEIS. There is critical big game winter range on Water Hollow and Saleratus Benches that would be impacted by construction of Alt. D. The mitigation would include additional seedings for big game winter range, fencing of the road, and a warning system when elk are crossing the road.

The proposed route near the rock art was shifted south and across the creek. No blasting would occur within 1200 feet of the rock art (see Response 398-3).

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#400**

400-4

The construction necessary to put a road of the size proposed for Alternatives B and C in the Canyon will cause excessive silting and erosion in the Quitchupah Creek, and cannot help but physically alter the natural creek flow and alignment. These impacts will have a seriously negative outcome on the fragile riparian ecosystems in the Canyon. Additionally, the high traffic volume, noise, and emissions will undoubtedly inhibit, if not remove, the availability of this important water source for the fauna normally utilizing the Canyon's water.

Putting a high-volume, heavy-vehicle road down through the middle of the Canyon will without doubt negatively impact the wintering grounds for the wild ungulates in the area. It will also unquestionably drive the majority of the resident and seasonal mammals, both prey and predator, as well as the birds, including raptors, from the Canyon, and cause an unnecessary risk for the domestic animals using the Canyon.

Castle Valley submits that with the possible exception of the impact on wintering elk, which impact is speculative in the DEIS, substantially all of the negative environmental impacts of Alternatives B and C can be avoided or significantly reduced by the selection of Alternative D, the Water Hollow Route. It also appears from the DEIS that the Water Hollow Route has the additional advantage of making existing oil and gas leases more readily available to exploration and development without the need for as much additional road creation. The positive result of reducing the number of additional roads and tracks in the area alone would seem to dictate the selection of Alternative D.

400-5

Aesthetic:

Quitchupah Canyon is an aesthetic treasure appreciated by almost everyone who has the good fortune to visit it. Part of this aesthetic value is the isolation and quiet the Canyon offers to visitors. Constructing the proposed road in the Canyon would completely destroy the Canyon's aesthetic value in a way which would be irreversible and incapable of mitigation.

400-6

Social:

The Emery area is in need of resource development, which will provide the potential for long-term economic growth. While the activity in the Sufco Mine can be expected to provide short-term economic benefit to the Emery area, there is no pretense that this benefit is anything other than a one- or two-generation benefit. The real potential for long-term economic growth and stability in the Emery area rests with the development of its latent tourist appeal. Nothing should be done, which has the potential for destroying this economic growth potential.

For the past several years Castle Valley has been actively working at developing a tourist business with its lands. These activities have included the restoration of the Castle Valley Ranch facilities, the preservation of old pioneer buildings located on Castle Valley lands, and the conversion of an old farm house into an appealing retreat for hunters and others seeking uplifting outdoor experiences. Castle Valley has set up a sister entity, Castle Valley Outdoors, LLC,

Response 400-4

While there may be some temporary, localized sources of sediment during the construction of the proposed road, these would be minimized by the construction techniques and best management practices that would be implemented. An additional discussion of these has been added to the Final EIS.

Quitchupah Creek's flow and alignment is already affected by the flashy nature of the runoff and the already high sediment loads conveyed to and through the stream system (as the commentor previously stated). The fragile riparian ecosystem noted by the commentor has already been severely compromised by livestock and natural erosion/sedimentation. Both plant and animal life currently present in the stream/riparian corridor has to be adapted to high sediment loads and changing erosion/deposition of bed/bank materials. Any short term, minor sediment loads added to the stream as a result of construction would not further change this status quo. The final EIS has been revised to include a more extensive description of the BMPs associated with the proposed road design, construction, and maintenance. Further, it has been revised to include details on applicant- and agency-committed measures to reduce livestock impacts on Quitchupah Creek, all of which would reduce existing sediment/salinity impacts. Lastly, the EIS has incorporated an extensive monitoring plan which would ensure that chronic sedimentation/erosion sources associated with the road project are fixed, and that water quality goals are met. All of these measures combined would minimize the potential for water quality or riparian ecosystem impacts.

Alternative D, the Water Hollow Route, would provide access into essentially roadless terrain for the exploration and development of other resources such as oil and gas.

Response 400-5

See Section 3.10, Visual Resources. The changes brought by the proposed road or alternatives are within the criteria for the visual class ratings used by the BLM and FS for these areas. The visual class ratings used by the agencies are for development of the area and not for preservation of aesthetic values.

**Letter
#400**

400-6
cont.

which is actively raising upland game birds, developing bird hunting areas, hosting bird and big game hunts, and offering horse and ATV tours into the enchanting landscape of the region. Because of their isolation and location, Castle Valley's lands in the Canyon are an integral part of these development plans and activities.

Castle Valley has also been in contact with a European tour agency, which specializes in providing European and Asian customers with American West adventures. This tour agency is very interested in the uniqueness of the Quitchupah Canyon, and is presently working on the possible inclusion of Quitchupah and other Castle Valley Ranches lands in its tours.

In addition to the hunting and outdoor adventure business, it is quite clear that as the taste of international tourists is developed for the prehistoric rock art of the Native Americans, the cultural heritage and resources in Quitchupah Canyon will become a valued attraction. Castle Valley submits that for this reason alone the government's efforts should be to protect this resource from short-term development, which will lead to irretrievable damage to and loss of the resource. Alternatives B and C destroy the opportunity to build a long-term economic benefit for the impacted portion of Emery County utilizing this valuable and unique resource.

Project Costs:

Project costs should not be limited to those directly associated with the project, but should include the collateral costs which will be experienced by others adversely affected by the project. An example of the collateral costs is the impact on the cattlemen who utilize the Quitchupah Canyon for trailing cattle to and from summer range on the national forest.

Just as the construction of the proposed road will lead to reductions in the transportation costs of coal from the Sufco Mine, the failure to give adequate consideration to the other users of the Canyon can have a catastrophic cost impact on the cattlemen using the Canyon. The cattle business is already marginal, and it does not take much to tip the scale from profit or break-even to destructive loss. There does not appear to be any analysis of the impact of trucking costs and livestock loss resulting from the proposal on the cattlemen who have used Quitchupah Canyon for decades. Even for the larger ranchers using the Canyon, trucking costs and livestock loss could well prove ruinous. These costs for the various alternatives should also be quantified and placed in the balance. No alternative should be permitted to go forward, which does not adequately protect the cattlemen's long-existing rights to the use of the Canyon, and which does not eliminate or substantially minimize the potentially destructive impact of trucking costs and cattle loss to the cattlemen.

Castle Valley believes that the DEIS unfairly presents the project costs in a manner which appears to give the nod to Alternatives B and C, to the disadvantage of Alternative D. Although Castle Valley has made no attempt, and in fact does not have the resources readily available, to quantify the magnitude of the costs not reflected in the costs presented for Alternatives B and C, Castle Valley believes that all costs associated with those Alternatives should be fairly presented

Response 400-6

See Response #400-5 and Section 3.15, Socioeconomics. The economy of Emery County is based on mining, power plants, and agriculture. Emery County wages and household income are above state averages.

Response 400-7

About 1.5 miles of livestock trail would be constructed. There would not be costs to the cattleman. All costs for livestock facilities associated with the proposed road would be paid for by the SUFCO mine.

See Section 3.8. Livestock would be fenced out of the road corridor. Any losses of cattle due to vehicle collision would be compensated for under the State's open range law.

Costs related to the different alternatives are analyzed in Section 3.15 Socioeconomics.

**Letter
#400**

400-7
cont.

400-8

in order to avoid skewing the presentation in favor of Alternatives B and C, even though some of those costs may be ultimately pushed off onto other entities, such as Sevier County and UDOT .

In the early days of the floating of this proposal there were some very large numbers given for the changes that would be required in the vicinity of the junction of Alternative B with Highway 10. These numbers resulted from the changes necessary to the Quitchupah Creek bridge, and the construction of start-up and slow-down lanes leading from and to the junction. Castle Valley is not convinced that the true costs of Alternative B have been fairly presented.

Additionally, it does not appear to Castle Valley that the safety issues regarding the junction of Alternative B with Highway 10 have been considered at all.

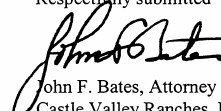
RECOMMENDATION:

Castle Valley's efforts to fully understand the needs for the project and to balance those needs with the legitimate concerns of others to be impacted by it have lead Castle Valley and its owners to the conclusion that the best alternative is that represented by Alternative D. Therefore, Castle Valley and its owners are prepared to support the selection and construction of the road on the route proposed for Alternative D.

Castle Valley is pleased and heartened by the recognition of the interests of the cattlemen by Canyon Fuel Company and the Sufco Mine, and their willingness to take the necessary steps to mitigate the negative impact on the cattlemen resulting from the proposed road. Castle Valley supports Sufco's suggestion that an equitable solution can be found for the problem, and is willing to work with Sufco and the other cattlemen during the design and construction phases of the project to assure the safe and economic use of the lands for the movement and maintenance of livestock by the involved cattlemen over the life of the road.

Castle Valley appreciates the opportunity to comment on this project, and urges the Decision Maker(s) to adopt Alternative D, incorporating provisions for the cattlemen's protection.

Respectfully submitted


John F. Bates, Attorney for
Castle Valley Ranches, LLC

Response 400-8

See Table 2.7-1 and Section 3.15 in the FEIS for revised cost figures.

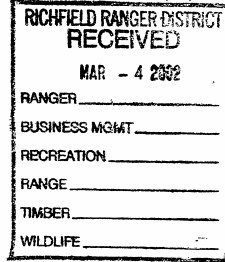
Response 400-9

Comment noted, see Response 400-1.

Letter
#402


Utah Farm Bureau Federation
9865 South State, Sandy, Utah 84070-3205 • Fax: (801) 233-3030

Administration (801) 233-3000	Public Policy (801) 233-3004	Communications (801) 233-3005
Accounting (801) 233-3008	Farm Safety (801) 233-3006	Member Relations (801) 233-3010
	Water Quality (801) 233-3014	



3/01/02

Linda L. Jackson, Public Affairs Officer
Fishlake National Forest
115 E. 900 N.
Richfield, Utah 84701

Dear Linda,

On behalf of the Utah Farm Bureau Federation which represents farmers and ranchers in Utah, and specifically in Sevier and Emery Counties, we take this opportunity to respond to the Quitchupah Creek Road Draft EIS.

The Farm Bureau has represented the interests of farmers and ranchers for over 85 years and held to strong private property rights, water rights and grazing rights (which the federal government refers to as "privileges").

One of the major concerns we have with the Quitchupah DEIS is that it completely neglected the livestock trailing issue. On page 1-14, "Issues not analyzed in detail", Trucking cattle was mentioned. Trailing livestock is another issue. Livestock trailways are long established and time honored. Government has a responsibility to provide trailways for livestock to get to and from allotments. Trucking may be an alternative for some operators but certainly not for all and the federal government shouldn't force operators to truck their livestock. Also if you talk to any producer they will tell you there are injuries and stress to livestock associated with trucking as well as the additional costs. The Forest Service has the responsibility to require the Quitchupah Road remain a livestock driveway like it has been for many years.

Another concern we see is the proposed road eliminating acres that provide forage to livestock. BLM has done some reseeding of lands that the proposed road would go through or near to during construction, thus taking forage from livestock. This loss along with others, such as disrupted water improvements, must be mitigated.

We understand that there has been some discussion regarding fencing the proposed road and keeping the livestock on one side of the fence and off of the road. If this is a reasonable alternative, then the cost of this fence must also be mitigated.

402

Response 402-1

A livestock trail would be constructed along 1.5 miles of the west end of the proposed road where topography restricts free trailing movement. East of that, livestock would trail outside of the fenced road corridor. A good portion of the existing road could be utilized under Alternative D.

Response 402-2

The loss of forage in the allotments on Water Hollow Bench would be five AUMs most in the G.L. Olson Allotment. Mitigation in this allotment includes a water system for better distribution of cattle which means better use of forage in seedings now far removed from water. See Section 3.8.

The cost of constructing livestock fence would be covered by the proponent and ultimately the toll user of the road.

Letter
#402

Livestock production is a basic industry in Emery and Sevier Counties just as is coal production. Both are needed and provide economic activity for the state and local communities. For those persons who are involved in either of these two industries, one is no more important than the other. If the proposed road is approved it should only be on the condition that the livestock operators can continue to trail their livestock and the impacts to their operations, due to the proposed road, are mitigated.

The Farm Bureau feels very strongly about these livestock driveways. There were problems when I-70 was built through Clear Creek Canyon where the Fremont Indian State Park is now located. It has taken years to correct the failure to provide an alternate livestock driveway through this area. We would hope this kind of problem can be avoided.

Thank you for the opportunity to provide input.

Sincerely,



John B. Keeler
Southern Regional Manager
Utah Farm Bureau Federation

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**Letter
#403**



February 1, 2002

Mary Erickson
Fishlake National Forest
115 East 900 North
Richfield, UT 84701

Dear Mary,

The UEC appreciates the opportunity to comment on the DEIS Quitcupah Creek Road proposal. This is a proposal for a coal haul road that would benefit the SUFCO mine. As part of our comments on the DEIS, the UEC incorporates by reference its previous comments dated January 28, 1999 and August 10, 1999. The UEC also incorporates by reference the comments submitted by the USFWS, the EPA, the SHPO, and the UDWR for the DEIS. We have contacted these agencies and requested copies of their comments. The UEC shares many of the same concerns stated by these agencies. The UEC also incorporates by reference the comments of Ms. Carolee Hammel and Mr. Thomas Bunn.

Purpose and Need

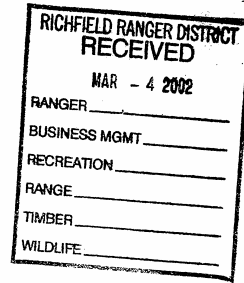
The primary purpose of the road is to provide an additional coal-hauling route for the SUFCO Mine. According to the DEIS, the use of the road by the SUFCO mine for coal hauling would reduce hauling times and increase revenues for the coal mine. The DEIS states that the secondary purpose of the road is to provide an alternate access to the mine for safe conduct of traffic and rescue units in the event of a mine emergency. It is apparent that the mine company, BLM and Forest Service have only considered the proposed project as a means to make the mine more competitive. Why haven't other viable methods been considered to make the mine more competitive?

It is not a public purpose to make SUFCO more profitable which is the primary reason for this project. Regarding the safety issue, it is UEC's understanding that the SUFCO mine is rated one of the safest mining operations in the world. The DEIS failed to cite even one serious incident during the 60+- year lifespan of the mine that would require the need for this additional access road. The secondary purpose carries little weight as the mine has been running for years with no incidents and apparently content with current access.

It is difficult to imagine a more ridiculous project than the Quitcupah Creek road project. Apparently, the only entities that want it are the SUFCO mine and Sevier County. In an unlikely alliance, the majority of state and federal agency comments, Native American tribes, ranchers, private landowners, and many in the environmental community all believe this is a terrible project that will only benefit the SUFCO mine, and which will not be in the long-term best interest of the public.

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Response 403-1

The Purpose and Need has been updated. The road will contribute to the competitive productivity of the SUFCO Mine, as a source of economic stability for Sevier County, a potential source of additional income for Emery County, and a source of high quality coal for power plants (See Section 1.1). In addition, the project supports the National Energy Policy Act which promotes such improvements in the productive and efficient use of energy. Safety is a secondary benefit.

**Letter
#403**

403-2

Permits Required

The UEC believes the Forest Service has put the cart before the horse or is demonstrating biased decision-making in putting out a DEIS in which permits have not been secured for the project. Namely, if this project is to proceed, a section 7 consultation with the USFWS will be required, as well as a 404 Permit from the Army Corps of Engineers, which are not guaranteed. In addition, the ROW of landowners has not been secured and to the best of our knowledge, they remain firmly opposed to this project. Without these permits the project can't proceed, and if the coal mine and agencies pursue it, it will likely end up in litigation. The most cost effective method would be to abandon this project in its entirety.

Economics

403-3a

The DEIS notes that the road is not necessary to increase coal production; this increase will take place regardless of the presence of a road as the contracts are already in place.¹ Consequently, employment and payroll at the SUFCO mine would not change as a direct result of any of the alternatives. Regardless of the alternative selected (including No Action), it is expected that SUFCO employment would increase from the current level of 276 to approximately 310 over the next several years.² This also means that proposed economic benefits to the local counties will not occur as the mine does not intend to raise payroll or share the additional profits created by a shorter haul route with employees of the mine or the local counties.

Under Alternative B on page xiv of the DEIS, the statement is made, "Economic benefits would accrue to the SUFCO mine from the cost savings and to the economy of Sevier County due to the increased profitability of the mine". This is a broad statement that is not substantiated in the DEIS and is negated by the language in the DEIS on pages 3-123 and 3-124.

The economy of Sevier County will not necessarily benefit due to the cost-cutting efforts of SUFCO mine. Further the language concerning alternatives on pages 3-123 and 3-124 of the DEIS confirm that the mine intends to absorb the profits, and that all contracts are already in place for future production. It is more likely that the beneficiaries of the money saved from shorter haul routes will be solely SUFCO profit margins, which will not necessarily serve as a positive effect for the economy of Sevier County.

In addition, the Economic section of the DEIS failed to analyze the economics of heavy loaded trucks on steep grades and the relationship to fuel usage. The fuel savings of over 1 million gallons appears to be substantially inflated. The analysis needs to include fuel consumption based on flat terrain versus steep grades for each section of road.

403b

Furthermore, it is our understanding that the mining company now prefers Alt. D (due to heavy opposition of Alt. B & C), which is the most expensive alternative to implement. The road alone would cost \$13.5 million and an additional \$600,000 would be needed for the passing lane to SR 10. The DEIS has not demonstrated that the benefits outweigh the costs. It would take SUFCO between 10 and 12 years to simply break even. These types of issues must be included in the Economics analysis.

¹ Quitcupah Creek DEIS Page 3-123.

² Ibid., Page 3-124.

Response 403-2

The Section 7 Consultation has concluded. The USFWS concurred with the determination of the BA (Appendix G). The Sevier County Special Service District will apply for any 404 permits when the final selection of route and design is completed and the road design can be submitted to the COE. The federal agencies will not issue a right-of-way until all the right-of-ways for state and private lands are secured. Alternative C route has been modified so that it no longer requires a right-of-way through one landowners property.

Response 403-3a

The SUFCO Mine was Utah's largest coal producer in 2004. SUFCO and dependant trucking companies provided 20 percent of the non-farm employment and 28 percent of the personal income in Sevier County in 2002. The mine is an important component of local economies. The presence and stability of the SUFCO Mine, and the families that support it, guarantee a continued demand in both Sevier and Emery counties for bank loans, mortgages, utilities, and other goods and services. This adds to the economic stability of both counties.

Profitability of the SUFCO Mine over time ensures that funds are available for further exploration, and maintains the SUFCO Mine's level of production and competitive edge in the marketplace. The added profits, due to reduced transport costs, substantially lower risk of failure for the SUFCO Mine and provide a buffer to economic consequences for Sevier County and to a lesser extent Emery County. See Section 3.15 Socioeconomics.

Response 403b

The socioeconomic section, Section 3.15, has been modified.

**Letter
#403**

05/30/02 THU 16:19 FAX 801 896 9347

FISH LAKE NTL. FOREST

004

Public Involvement Process

The DEIS addresses public involvement: "Public involvement is an important part of the environmental analysis process. The public involvement plan describes the methods and techniques used to involve the public in the environmental analysis. It allows the public to participate actively in the NEPA process and to communicate their concerns regarding the Proposed Actions."³

Castle Valley Ranches, Carolee Hammel, and Thomas C. Bunn are landowners in Quitchupah Canyon; none were involved in the NEPA process. These landowners do not appear on the mailing list for the Quitchupah Creek DEIS. This exclusion demonstrates a failure to involve the public (and directly impacted landowners) in the proposed action. There is no excuse for this curious exclusion as these persons are listed in the DEIS as landowners (page 2-5, 2-7, 2-15). What other landowners or interested members of the public have been left out of the public process regarding Quitchupah Creek? Public involvement in the evaluation of scope and impact is an inseparable part of the NEPA process. For the Quitchupah Creek Road Proposal, this process is incomplete and has been compromised.

Furthermore, several federal agencies required to comment on this project were not sent all of the relevant documents for this project, specifically those reports developed by JBR consultants. The public scoping process for this project is one of the more egregious the UEC has ever witnessed.

Alternatives

The DEIS demonstrates a strong bias and predetermined decision to not consider the possibility of No Action. All statements concerning the No Action alternative on pages 2-3 and 2-4 are in favor of the SUFCO mine and fail to objectively consider the benefit of no road in the canyon. The No Action alternative does not evaluate the benefits of an undisturbed environment, cultural sites, and habitat for wildlife.

Alternative D is not developed at all. It appears the Forest Service and BLM placed more development on Alternative B and failed to substantively analyze Alternative D, which now appears to be favored by SUFCO. If this project is to proceed, the FEIS needs to fully analyze Alternative D, although the UEC recommends dropping it as a viable alternative. In addition, there was absolutely no analysis of the proposed ATV route that would run parallel to the road in Alternative B.

Alternative C is in Travel Area C in the Forest Plan, which are lands closed year-round to all motorized vehicle travel. The DEIS further states that road expansion to accommodate mining activity is allowed. If this alternative is pursued the FEIS must document how Alt. C conforms to the Forest Plan. Is the exception specifically geared to a major road construction such as the one proposed?

None of the alternatives analyze the direct or indirect impacts of blasting on any resources. This must be completed for all alternatives in the FEIS.

³ Quitchupah Creek DEIS, Page 1-7.

Response 403-4

See Section 1.6, Issues, and Chapter 4.0, Consultation and Coordination. Public involvement began during the EA process and has continued through the EIS with scoping meetings, agency field visits, public notices, and tours. The DEIS was published with an extended comment period. The FEIS/ROD will also have a comment period.

Carolee Hammel and Thomas C. Bunn were mailed a DEIS late in the comment period to correct an oversight. Castle Valley Ranches received a DEIS through John F. Bates, their representative.

Response 403-5

Refer to Chapter 2 for explanation of impacts due to Alternative A including the statements that the existing environment in Quitchupah Creek would not be affected. Alternative D is analyzed in all the impact analysis for each resource in the Chapter 3 of the FEIS. There is no proposed ATV travel route for any of the alternatives or as mitigation. Alternative C does not traverse any Travel Plan C area closed to motorized use as these are restricted to Old Woman Plateau RNA and the trail up Water Hollow, see Section 1.3. The impacts of blasting are discussed in Section 3.5 Wildlife Resources. In regard to blasting, see also Response 398-3.

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Affected Environment

Old Woman Plateau

The Fishlake National Forest does not allow motorized vehicle travel in an area that coincides with the Old Woman Research Natural Area (RNA), located about ½ mile west of the Water Hollow alternate alignment. The UEC has also been told that the Water Hollow route is within about ¼ mile of the Old Woman Plateau rather than ½ mile. This discrepancy needs to be remedied in the FEIS. The DEIS does not consider the negative impacts of noise and traffic on this RNA, nor does it analyze ANY indirect impacts. This area must receive evaluation for impacts due to noise and traffic, and improved access. ATV users often create illegal trails, and signage and enforcement must be part of any proposal that creates a road near this area. The Old Woman Plateau must receive further analysis in the FEIS.

Water Resources

Quitcupah Creek flows perennially from the south end of the Wasatch Plateau. This creek receives significant amounts of flow from mine discharge into its North Fork, as well as irrigation return flow near the eastern project boundary. The discharge of water from the SUFCO mine is an impact that was not assessed in the DEIS. The UEC requests that the FEIS disclose the impacts on water quality from the SUFCO mine discharge point on the North Fork of Quitcupah Creek.

Quitcupah Creek is on the state 303d list at the boundary of the project area. What impacts from the project area contribute to this listing? The DEIS lists grazing, instream cattle watering, and the proximity of the “unstable” Quitcupah Creek Road as potential sources of sediment. It fails however, to mention subsidence and the mine water discharge as part of the contribution to the “unstable” creek.

The language in the DEIS (page 3-23) indicates that additional point sources of a listed parameter are not “typically” allowable under the UPDES program administered by the State Division of Water Quality. Is the construction of a road an “additional point source”? Is an increase in discharge from SUFCO mine an “additional point source”? The UEC is strongly opposed to any “atypical” actions concerning water quality on Quitcupah Creek, including the increase of mine water discharge due to increased coal production. Further, the DEIS must consider the impact of discharge from the mine as part of the cumulative impacts on the project area.

The DEIS attempts to make the argument that a road in Quitcupah Canyon will “improve” water quality.⁴ This argument consists of the idea that placing culverts in the stream course will eliminate stream crossings and these culverts will “reduce” sedimentation. This argument fails however to evaluate the current light use of the corridor with stream crossings versus trucks loaded with 42 tons of coal 24 hours a day five days a week—traffic the road will receive upon completion. The erosion impacts of trucks on the Quitcupah road are not considered in the DEIS, they are dismissed as “not expected during the normal course of use”⁵. The UEC requests that the EIS include evidence and analysis of this argument.

⁴ Quitcupah Creek DEIS, Page 3-30.

⁵ Ibid. Page 3-31.

Response 403-6

The 0.25 mile is a correction that has been entered in Section 3.11, however because of the physical separation of 1600 feet at the cliffs, there would be no indirect impacts to the RNA since there is no access between Alternative D, the Water Hollow Route, and the RNA. There is no trail up Water Hollow creek for ATV access and there would be no parking for recreationists to unload and travel up the creek.

Response 403-7

Please see responses to comments 102-1 (Forest Guardians) and 397-6 (EPA). In addition, note that, where possible, refinement in the conceptual designs has been completed subsequent to the Final EIS that minimizes straightening and realignment. However, some alterations are necessary given the topographic confines. Where crossings occur, existing gradient would be maintained, or alternatively, if that is not possible, velocity controls will be implemented so that acceleration due to steepening does not occur. Further, the applicant has committed to the BMPs given in the EIS as part of design, therefore these are requirements of the project and are not voluntary by any means.

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The DEIS fails to consider the impact of road construction on the Quitcupah Creek in its proposal to straighten six sites for 1100 feet.⁶ The increase of gradient due to stream straightening will enhance erosion in the creek system. Straight channels will contribute to sediment delivery and additional erosion due to faster flows. Due to the 303d listing, the Utah Department of Water Quality cannot allow additional impacts (point sources) to occur on the stream. How will the proposed mitigation plan of implementing BMP's to control erosion be effective, when BMP's are strictly voluntary in Utah. What assurance does the public have that these mitigation measures will work, and is the funding for implementing them assured? Please include this information in the FEIS. The UEC requests that details of BMP's⁷ in the proposed road design be included in the final EIS.

Soil Resources

Alternative B and D both propose to cross soils that are rated for moderate to severe erodibility. The incorporation of BMP's for drainage and erosion control must be detailed further in the FEIS. The potential for a new road to be unstable appears to be quite high, and mitigation must be proposed to conserve and protect soils.

Vegetation and Wetlands

The discussion of effects to wildlife by changes in riparian habitat should be substantially expanded. Most wildlife species in Quitcupah Canyon rely on riparian vegetation, and the potential for loss merits exhaustive examination. All proposed alignments will severely impact the riparian zone and will lead to the likely extirpation of most riparian guild species in Quitcupah Canyon. There are few intact wetland and riparian areas in the canyon due to the incision of the creek, and the road proposal will pass through and alter all of these remaining (intact) areas permanently. The upper elevation wetlands and riparian areas consist of herbaceous grasses, sedge, watercress, and willows. This habitat is critical for the Southwest willow flycatcher as well as most wildlife in the canyon. The road proposal notes that approximately .076 acres of wetland and 3.2 acres of riparian habitat in the upper Quitcupah Creek drainage will be removed by road construction. These wetland impacts are common to all alternatives proposed in the DEIS.

The short paragraph on mitigation and monitoring of wetland/riparian areas on page 3-54 is grossly insufficient. The presence of an endangered species should be at the forefront of all concerns in the upper drainage. The proposed mitigation references a need to contact the "Corps" (presumably the Army Corps of Engineers) during the permitting process. The Corps of Engineers should already be involved in the planning process of stream alterations. Plans for the mitigation of riparian impacts must involve the USFWS, as well as the Corps of Engineers and State of Utah water quality officials.

Further, the DEIS makes a conclusion that "No residual adverse impacts were identified for vegetation or wetland resources within the Proposed Action area."⁸ How was this preposterous determination made? The general lack of specific information concerning wetland destruction and mitigation in the EIS make it difficult for the reader to determine the basis for this decision. The

⁶ Ibid. Page 3-32

⁷ Ibid. Page 3-46

⁸ Ibid. Page 3-54

Response 403-8

The final EIS has been revised to include a more extensive description of the BMPs associated with the proposed road design, construction, and maintenance. See Appendix B.

A design feature, borrowed from UDOT, of an extra three feet of granular borrow allows roadbases to be stable on unstable soils, such as erodible soils. See Section 2.2 Alternative B, in the FEIS.

Response 403-9

The FEIS includes specific Applicant committed measures as part of the road design for impacts to wetlands and for replacement of the riparian zone. The applicant committed measures in Chapter 2 incorporate mitigation into the road design. One measure is to fence 4.7 miles of riparian corridor to exclude livestock. This will have a beneficial effect on the riparian habitat. These measures in conjunction with the monitoring plans would preclude any residual adverse impacts to vegetation and wetland resources.

The FEIS has been designed to fulfill the NEPA process for the COE permit system. All wetlands and riparian habitats will be compensated by construction of new wetlands and riparian zones.

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construction of this road has immitigable effects on the riparian area. All three of the road alternatives in the upper reaches of Quitcupah Canyon are aligned directly through the wetlands. These alignments all result in adverse impacts, which merit detailed analysis and mitigation with the aid of outside agencies.

Wildlife Resources

The following section will review the impacts to wildlife, as well as issues not addressed adequately in the DEIS. The effort to obtain quantifiable data for wildlife species generally lacks vigor throughout the DEIS. While the DEIS provides a few surveys or notes on a handful of species, the proposed action is insufficient to protect wildlife resources. This lack of effort to appropriately monitor and propose meaningful and viable mitigation for species (including MIS/TES) sets up said species for failure. The UEC reminds the Forest Service that they are obligated to "obtain and keep current inventory data appropriate for planning and managing the resources under [its] administrative jurisdiction." The citation of "potential" habitat does not take the place of surveys and monitoring on the Forest. No viability determinations can be substantiated without specific quantifiable data pertaining to the species in the project area. The UEC requests that the Forest Service perform the proper surveys for wildlife populations in the project area, and that mitigation plans for the loss of riparian areas and wildlife species be included as part of the final EIS. In addition, the agencies have failed completely to assure that the Migratory Bird Treaty Act will not be violated. This issue was not even discussed in the DEIS. Further, the issue of habitat fragmentation, which will be substantial and significant under all action alternatives is not sufficiently analyzed.

A common shortcoming of the DEIS is the evaluation of the cumulative effects of the road construction proposal in Quitcupah Canyon. In the sections for the present species, there may be a mention of one or possibly two impacts in the document. This is not sufficient to evaluate and analyze the species viability under stress from the impacts of road construction. Some of the UEC's concerns are mentioned in the Wildlife Resources section of this letter and the remainder are addressed in the Cumulative Effects portion of this letter.

Big Game

The upper elevations of Quitcupah Canyon are critical habitat for deer and elk. Extensive areas in the Quitcupah drainage are described as winter range for deer herds. The Water Hollow (alternative D) Benches are listed as high value winter range for deer and elk.¹⁰ The impacts to big game herds will be substantial, as the road will create a barrier and fragmentation in an area that is largely undisturbed. These impacts will be greater on the Saleratus Benches (alternative D), "impacts to [elk] may be greater for this alternative than B or C"¹¹. All proposed roads cross wildlife corridors directly, and divide rangelands and habitat. The proposed road (all alternatives) will decrease the health and size of herds as the road serves as a barrier and deaths occur due to collision. Mitigation for these impacts is not described in detail in the DEIS. The UEC requests that a mitigation plan be created for alternative B and D. This should include underpasses to create corridors for the large mammals. The UEC requests that surveys be used to make a viability determination concerning the herds in the project area; no surveys or monitoring are included in the DEIS for elk and deer.

⁹ 36 C.F.R. 219.9(a)(6)

¹⁰ Ibid. Figure 3-6

¹¹ Ibid. Page 3-59

Response 403-10

Additional data and discussion on wildlife populations, habitat fragmentation, and surveys in the Project Area has been included in the FEIS (See Section 3.5).

The UDWR is the agency responsible for surveying wildlife; the FS and the BLM are responsible for the habitat on the lands they each administer. Another search of the UDWR records was conducted to discover any old records that would provide additional survey information on big game and upland game. Section 3.5 Wildlife Resources includes the additional data and specifically analyzes the impact of Alternative D Water Hollow Road to wintering big game on Water Hollow and Saleratus benches. The underpasses for wildlife are included in Alternative C Alternate Junction and Alternate Design. Big game underpasses are included in Alternative D Water Hollow Route. There are no records of sage grouse in or near the project area. An amphibian survey was conducted for the project area, see Wildlife Technical Report, January 2001. Reptiles were recorded incidental to other field work in the project area, see Wildlife Technical Report, January 2001.

A baseline fisheries study was completed, see Section 3.6 Fisheries and Aquatic Resources. Also see Aquatic Resources Technical Report, June 2001 for all the field data. The Water Resources section (Section 3.2) of the FEIS discusses the sediment-laden nature of Quitcupah Creek as it exists now, and the potential for additional sediment loading to occur as a result of the proposed road. Fish inhabiting Quitcupah Creek already experience turbid conditions during runoff events, and this condition would continue. Stream crossings would be designed for fish passage, as discussed in the EIS. The potential for pollutants entering the stream due to truck accidents is minimal, but could occur under rare conditions, as discussed in the EIS.

Surveys for MIS species were completed in May 2002 and this information was used in the impact analysis in the FEIS.

Response 403-11

The Water Hollow route (Alternative D) does bisect the migration route for big game, therefore impacts to big game movement would be mitigated through big game underpasses as discussed in Section 3.5. Recent herd data in the area has also been included in the FEIS. Mitigation measures for big game such as fencing have been included in the design of alternative D in the FEIS.

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Raptors

403-12

The Utah Division of Wildlife Resources (DWR) completed surveys for raptors in 2000. The surveys identified numerous nests for all proposed road alignments. The Golden eagle occurs throughout the project area, with twelve Golden eagle nests reported for Alternative B and an additional four more nests for Alternative D¹². The DEIS misinterprets the USFWS guidelines for raptor spatial buffer zones. These zones should have absolutely no direct disturbance within .5 miles of the nests. Nine nests mentioned in the DEIS are "within" .5 mile of the proposed road. Further, roads and road kill are not beneficial to raptors. The DEIS mentions that raptors may be hit in collisions with coal hauling trucks. These collisions will include Bald eagles in the winter months, a species not evaluated in the DEIS. Collisions will impact the large raptors significantly, and no mitigation for the eagles is proposed in the DEIS. The UEC requests that the Forest Service evaluate the impacts to winter populations of Bald eagle, and that mitigation be created to protect these species. Mitigation for the species should include the removal of large mammal roadkill from the proposed road to an area that is safe for large raptors. The UEC requests that road impacts to raptors be reevaluated using the proposed guidelines for raptors from the USFWS.

Upland Game Bird

403-13

No surveys were completed for Ruffed grouse, Sage grouse, or Chukar. Are Sage grouse present on Water Hollow Bench, and have surveys been performed on Water Hollow Bench? No viability determinations are made in the DEIS concerning the upland game bird populations. The UEC requests that surveys for these species are completed as part of the final EIS, and that viability determinations be made for Sage grouse.

Amphibians/Reptiles

403-14

Surveys were performed in some areas of Quitcupah Creek for amphibians, and DWR identified seven amphibian species that may occur in the project area. These species will be heavily impacted by road building and stream bed altering construction. The road will cause direct impacts to amphibian populations as the road will be used by all species. The UEC requests that surveys be performed in the upper elevations of Quitcupah Canyon, and that viability determinations be made for these impacted species. All observations in the DEIS concerning reptiles were based solely on habitat, there were no surveys performed for reptiles in the project area. Due to the "potential" for a variety of species, the UEC requests that surveys be completed in order to determine what species exist in Quitcupah Canyon.

Fisheries and Aquatic Resources

403-15

Filling in wetlands, streambed alteration, and additional impacts to water quality¹³ will severely impact a creek and "aquatic environment that is under stress"¹⁴. Two fish species listed on the DWR Utah Sensitive Species List were caught during the surveys on Quitcupah Creek. These species are the flannelmouth sucker and the leatherside chub. No mitigation or viability determinations are made concerning these fish populations, even with the surveys that were completed. The UEC

¹² Ibid., Page 3-56

¹³ See generally Quitcupah Creek Road DEIS, Page 3-64.

¹⁴ Quitcupah Creek DEIS, Page 3-64

Response 403-12

Nine golden eagle nests are within 0.5 miles of Alternatives B and C and four active raptor nests (2 golden eagle) within 0.5 miles of Alternative D. Buffer zones of 0.5 mile from nests are for nesting eagles. Road construction activities would not take place within 0.5 mile of any active golden eagle nest per seasonal restrictions or until the young have fledged. Bald eagle collisions with vehicles, due to the eagle attraction to road kill in the winter months, have been addressed in the FEIS. Mitigation for raptors includes removal of road kill from the roadway. See Section 35.

Response 403-13

No surveys were conducted for ruffed grouse, sage grouse, or chukar. The Water Hollow bench contains sagebrush, however, a majority of the habitat is sparsely vegetated with low sage and no sage grouse or sign were observed during general wildlife surveys. Sage grouse surveys were completed in April-May 2002 on Water Hollow Bench with negative results. The upper portion of the Project Area does contain suitable habitat for ruffed grouse, however, the habitat is constricted to the narrow riparian corridor. A greater amount of suitable habitat exists along the current haul route to the west. Chukar habitat is extremely limited in the area and chukars were not observed or heard during numerous wildlife surveys in the area.

Response 403-14

Of the seven amphibian species listed by the UDWR that have the potential to occur within the Project Area, only the Great Basin spadefoot toad was observed during surveys. As noted in the Section 3.4 of the EIS, the wetland area where this species was observed would not be impacted by the Project. Impact to amphibians, including habitat fragmentation has been addressed in the FEIS.

Specific surveys for reptiles were not conducted, however, no sensitive reptile species were observed during general wildlife surveys.

Response 403-15

Quitcupah Creek is currently an active stream that conveys significant amounts of sediment and dissolved solids, as discussed in Section 3.2. The two sensitive species listed by the UDWR are found in the lowest portion of the Alternative B proposed alignment. There are currently at least three water diversions of Quitcupah Creek for adjacent or nearby agricultural fields near the lower portion of the Alternative B alignment. As a result of decreased water flows of the creek, as well as cattle grazing within the streambed at the lower portions, a much greater potential of sediment bads and habitat destruction exists for Alternative B than any of the proposed road alternatives.

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requests a complete evaluation of these fish species and an analysis of the additional impacts on water quality as they apply to the sensitive populations.

MIS and Threatened, Endangered and Sensitive Species

Last Chance Townsendia

The evaluation of Last Chance Townsendia in the DEIS is the model of failure on behalf of responsible agencies. The evaluation of the all impacts for cumulative effects of the proposal on the plant is incomplete. This species is present in the project area, directly adjacent to the road according to the Vegetation Map figure 3-5. It is dismissed, as it is not in the "project corridor". Not in the "project corridor" means that it will not be paved over. However, the presence of the threatened species in the project area merits further scrutiny, rather than a quick dismissal. The proposed road sharply increases the likelihood of noxious weed infestations, which will occur primarily along the course of the road. ATV use may leave the path of the road and venture along the sides on illegal user created roads. The cumulative effects of road construction and in turn use will have a negative effect on plant populations along the road. The UEC requests that the negative impacts on Last Chance Townsendia be assessed as part of the FEIS. Furthermore, the BLM & USFS indicated the habitat potential for six additional TES plants that were categorically dismissed in the DEIS. All of the plants need to be substantively analyzed in the FEIS.

Southwest Willow Flycatcher

Surveys were completed for Southwest willow flycatcher in the upper reaches of Quitchupah Canyon. The presence of a male flycatcher in suitable habitat demonstrates the value of the upper wetlands and the need to protect these wetlands from any impact. Were additional surveys conducted in 2001 for the federally endangered species? Based upon known populations of the species, this male is markedly close to known locations, and all steps must be taken to protect this population. The DEIS arrives at the conclusion that "it will be assumed that the lone male southwestern willow flycatcher observed during the 1999 surveys is the federally endangered subspecies"¹⁵. What is the status of the consultation with the USFWS? Further, the road proposal still plans on filling in the areas and building a road over the critical habitat. The UEC requests that the FEIS review and include extensive measures to avoid all riparian areas in the upper drainage. Road alignments must be changed in order to preserve the species. The UEC also requests that the Forest Service include all information and consultation with the USFWS on the Southwestern willow flycatcher as part of the FEIS.

Mitigation proposed for the flycatcher includes the proposal to halt work during nesting and breeding times for the species. The DEIS states that 2.75 acres of habitat will be restored as per section 7 of the ESA. The FEIS should develop this proposal for protection of habitat in more detail.

Bald Eagle

As previously mentioned the Bald Eagle is not adequately addressed in the DEIS. The DEIS states on page 3-69 that the "bald eagles are not expected to occur in the area except as transient birds,

¹⁵ Ibid., Page 3-70

Response 403-16a

Noxious weeds would be controlled in the reclaimed areas as mitigation for disturbance to vegetation, see Section 3.4 Vegetation and Wetlands. ATVs currently use the existing road but would not be legal on a public highway, so disturbance by ATVs should decrease under the proposed road. See Section 3.10 Visual Resources, Recreation, and Wilderness for full discussion of ATV use.

According to the Heritage database, *Townsendia aprica* has been documented previously in the area, however it was not recorded on site during 1999 and 2003 surveys. It was addressed in the Biological Assessment under a May Affect – Not Likely to Affect (MANLAA) determination. Road construction and use would affect vegetation in the right-of-way, but the population status of *Townsendia aprica* is not expected to be affected as a result of this project. The MANLAA determination applies to Alternative C only. The other alignments would not disturb known habitats for *Townsendia aprica*. The BA addresses remaining TES species. See Appendix G for USFWS concurrence with the BA.

Response 403-16b

The flycatcher subspecies is not the listed Southwestern Willow Flycatcher subspecies (See Section 3.7). Consultation with the USFWS has been conducted and concurrence received on the determinations of the BA (Appendix G). See also Response 411-30a (DOI).

The impact to riparian zones will be minimized and losses will be mitigated by creating other riparian zones and the fencing of 4.7 miles of riparian corridor to exclude livestock. See Applicant Committed Measures in Chapter 2.

Response 403-16c

The BA approved by the U.S. Fish and Wildlife Service designates a May Affect Not Likely to Affect situation for bald eagles (Appendix G). Environmental Protection Measures include removal of animal carcasses from the roadway and disposal according to regulations of the State Board of Health. In addition, the roadway would be fenced, restricting wildlife access to the road. This would minimize the draw of Bald Eagles to the roadway. See Response 411-29c (DOI).

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most commonly occurring in the winter months". The occurrence of Bald Eagles in the winter months is of specific concern of the UEC. The presence of roadkill deer and elk will draw more Bald Eagles to the project area, and this issue was not analyzed in the DEIS. There must be an analysis and mitigation for the Bald Eagle, which is particularly susceptible to vehicle collision due its size. Mitigation must include the prompt removal of all roadkill from the travel corridor in order to avoid Bald Eagle/vehicle collisions.

Mexican Spotted Owl

There were no surveys performed for Mexican spotted owl. "Dedicated surveys for the Mexican spotted owl were deemed unnecessary, thus were not conducted"¹⁶. Quitcupah Canyon fits the description for MSO habitat under the DWR habitat description. The DWR notes, "Canyons where nests occur are usually part of a rugged, complex canyon system which has several side canyons and hanging canyons. All known nesting sites in Utah are below 8000 feet elevation. Winter habitat is essentially the same as breeding habitat, though owls may seek warmer, more open canyons in the winter."¹⁷ The same document notes, "potential threats to the owl include human disturbance associated with activities in canyon habitats, overgrazing and timber harvest in foraging areas, road development in canyons"¹⁸.

Quitcupah Canyon falls within the described habitat conditions for Mexican spotted owl, and the UEC requests that surveys be completed to confirm the presence or absence of this species. The Forest Service cannot substantiate the dismissal of the owl from further consideration. Habitat citations are not adequate to dismiss the owl's presence in this canyon, as many positive habitat characteristics are present. Surveys for Mexican spotted owl must be completed as part of a proper evaluation in the FEIS.

Bats

The proposed construction will eliminate the upper wetlands and riparian areas on Quitcupah Creek. These areas are crucial foraging areas for Townsend's big-eared bat and Spotted bat. Construction activities will directly impact bat species. There is no viability determination for the sensitive bat species in the project area. Surveys and monitoring have not been performed for these sensitive species. No mitigation is proposed for the bat species in the DEIS. The UEC requests that the Forest Service collect the proper information in order to make a viability determination for the sensitive species that are in the project area.

Flammulated Owl

The Flammulated owl is present in the project area, according to the DEIS. This owl is present in the Quitcupah Creek drainage and on the Old Woman Plateau. Suitable habitat for the owl also exists within the project area. No surveys were performed for this sensitive species, and there is no analysis of impacts on the owl in the DEIS. Blasting, road construction, and the continuous noise and presence of coal hauling equipment will impact potential nesting and foraging habitat for

¹⁶ Quitcupah Creek DEIS, Page 3-69

¹⁷ *Endangered and Threatened Animals of Utah*, Page 25. Utah State University Extension Service, DWR, and USFWS, 1998.

¹⁸ *Ibid.*, Page 26

Response 403-16d

The application of model by a JBR MSO-certified biologist located suitable habitat which was surveyed in May and June 2002 (JBR 2002) with no indication of owls. Surveys for the Mexican Spotted Owl were initiated in the spring of 2002 according to USFWS protocol. No Mexican Spotted Owls were observed or heard during surveys.

Response 403-16e

The wetlands and riparian zone losses will be mitigated as part of the road design. See Chapter 2 for applicant-committed measures. The FS expects to continue to update its sensitive species database.

Response 403-16f

Dedicated surveys for flammulated owls were not requested by the USFS due to the small area of suitable habitat near the Project Area. Any owls present in the suitable habitat at the upper reaches of the Convulsion Canyon drainage would likely be displaced onto adjacent habitat in the area, including the Old Woman plateau which is screened from the proposed road alignment by topography. It is possible that the adjacent habitat would not support additional displaced flammulated owls. The only impact identified is loss and disturbance to foraging areas in wetlands and riparian zones which will be mitigated. See Section 3.7.

<p>Letter #403</p>	<div>03/30/02 THU 10:22 FAX 001 090 9341 FISH LAKE N.L. FOREST 0011</div> <p>Flammulated owls. There was no analysis concerning the cumulative impacts of all of these activities, in addition to more human disturbance due to recreation. The UEC requests a complete analysis of the all impacts on the Flammulated owl population in Quitchapah Canyon. This should include a viability determination and plans for mitigation of the negative effects.</p> <p><i>Peregrine Falcon</i></p> <p>Surveys performed in Quitchapah Canyon did not find Peregrine falcon eyries. Were these surveys performed for the areas on the Water Hollow Benches? The species may be present in areas not covered as part of Alternative D.</p> <p>Cultural Resources</p> <p>The UEC does not support entry into or through cultural sites in the Quitchapah Canyon Road Proposal. Numerous surveys for cultural sites have been performed in Quitchapah Canyon. At least 21 sites have been identified in the canyon as cultural resources, and 13 of these sites are eligible for inclusion on the National Register of Historic Places (NHRP) under criterion D of 36 C.F.R. 60.6.</p> <p>Alternative B proposes to "effect" six sites that are eligible for NHRP listing. This proposal also improves access and visibility in an area that is considered sacred by Native Americans. The sacred nature of the canyon will be disrupted every one and half minutes by coal trucks. The DEIS states, "The tribes involved in the Native American consultation have expressed that they would like all of the identified cultural resource sites within the project left alone and intact". The statement that follows this notes that it will not be achieved, "Under 36 CFR 800 regulations, data recovery is not available to achieve a no adverse effect". The UEC requests clarification of this statement, as 36 CFR 800 does not apply in any way to cultural sites. What is the legal interpretation that the DEIS is using for this regulation and how does it apply to data recovery and no adverse effect?</p> <p>Alternative D compromises 10 of 19 cultural sites. The majority of these sites are congregated around the Water Hollow/Quitchapah junction. Will these sites at the junction be impacted by the road? Again, no mitigation measures have been considered to preserve any of the cultural resources. This deficiency must be addressed in the FEIS.</p> <p>The Forest Service and BLM should also analyze the legal implications of cultural resource destruction under the Native American Religious Act. Please include the SHPOs comments for this project in the FEIS.</p> <p>Cumulative Effects of Impacts</p> <p>It is simply mind boggling that in Chapter 3 (Environmental Consequences), the entire cumulative effects analysis is reduced to one sentence stating "Based on past, present, or reasonably foreseeable future actions, no cumulative impacts are anticipated to occur" (DEIS 3-14). This legally indefensible statement is nothing short of complete idiocy. Indeed, the DEIS failed to even include a cumulative effects analysis area and confined its one sentence 'analysis' to the project area.</p> <p>The DEIS fails entirely to assess the cumulative impacts of the proposed actions on the affected environment in Quitchapah Canyon and the Water Hollow Benches. The impacts of proposed road alignments considered are inexact and incomplete for all species affected by the road construction</p>	<p>Response 403-16g</p> <p>There is suitable nesting habitat for peregrine falcons on the Water Hollow Benches (Alternative D), however, no peregrine falcons or eyries were observed during numerous general wildlife surveys, and UDWR aerial surveys in the Water Hollow Benches area. See Section 3.5 Wildlife Resources.</p> <p>Response 403-17a</p> <p>Section 106 Regulations 36 CFR 800.5 and 800.6 detail the process by which agencies determine whether undertakings will adversely affect historic properties and how the agencies consult to avoid, minimize, or mitigate the adverse effects in order to meet Section 106 requirements. The Advisory Council on Historic Preservation Section 106 Regulations Archeology Guidance document states: AMethods for recovering information from archeological sites, particularly large-scale excavation, are by their nature destructive. The site is destroyed as it is excavated. Therefore management of archaeological sites should be conducted in a spirit of stewardship for future generations, with full recognition of their non-renewable nature and their potential multiple uses and public values...Given the non-renewable nature of archeological sites, it follows that if an archeological site can be practically preserved in place for future study or other use, it usually should be...@ (www.achp.gov/archguide.html). The interpretation that the DEIS was trying to express was that data recovery in the form of excavation or artifact collection is considered an adverse effect. Therefore, data recovery may not be considered a viable mitigation possibility for impacts to eligible cultural resource sites.</p> <p>Response 403-17b</p> <p>Alternative D would not impact cultural resources located near the Water Hollow/Quitchapah junction. The road corridor inventoried was purposely wide (500 to 1000 feet wide) so that the route could be aligned in this area to avoid cultural resource sites.</p> <p>Response 403-17c</p> <p>The American Indian Religious Freedom Act states A...henceforth it shall be the policy of the United States to protect and preserve for American Indians their inherent right to freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonial and traditional rites [42 United States Code (U.S.C.) 1996].@ Agencies are required to review their policies and procedures in consultation with traditional native religious leaders. Consultation with Native American tribes has been on-going throughout the NEPA process and the Paiute and Ute tribes accepted consulting party status. See Section 3.13.</p>
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**Letter
#403**

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proposal. A "meaningful" and substantial analysis of impacts "should identify (1) the area in which effects of the proposed project will be felt; (2) the impacts that are expected in the area from the proposed project; (3) other actions - past, proposed, and reasonably foreseeable future - that have had or are expected to have impacts on the same area; (4) the impacts or expected impacts from these other actions; and (5) the overall impact that can be expected if the individual impacts are allowed to accumulate."¹⁹ The DEIS failed to raise numerous impacts that are present in or related to the project area and there is a general lack of meaningful analysis for the entire project. The impacts of a road should be carefully quantified and evaluated, specifically in high impact areas such as riparian zones.

403-19

The UEC requests that the following direct and indirect impacts be evaluated and analyzed as they pertain to impacts on wildlife species and other resources in Quitichupah Canyon. The cumulative effects analysis for the FEIS must evaluate and include the following (which does not claim to be an exhaustive list):

- Additional evaluation of impacts from actual road construction: this includes habitat directly impacted, as well as indirectly (noise from blasting); work focused in one area for a long time period; and sediment discharges into streams. Golden eagles will abandon nests and territories due to the presence of construction and the resulting traffic. What other species will be negatively affected? Mitigation must be the result of the determined impacts.
- Impacts from improved access: human disturbance of high value wildlife habitat (big game dispersal), nesting disturbances, and loss of riparian habitat. Human disturbance will further contribute to Golden eagle nest abandonment, which was not evaluated in the DEIS. The DEIS is incomplete without a full evaluation of the species that will be further impacted by human disturbance.
- Impacts from SUFCO mine: almost constant noise from coal trucks, constant hazard from trucks on road, possible accidents on road, road kill and wildlife hazards (opportunistic feeders). Elk, deer, Golden Eagle and Bald Eagle will be threatened due to traffic in the canyon. Why was this major impact not assessed in regard to Bald Eagle? Numerous other species will be exposed to collision hazards as well as noise impacts. Many species will abandon the area due to the noise and constant hazard from trucks. This must be explored further and mitigation should be proposed to curb negative effects for all impacted species.
- Indirect and direct impacts to wildlife from entire shifts in populations. The DEIS states wildlife that may be impacted can simply move. While the UEC strongly disagrees with this feeble assertion, the agencies must examine the impacts of entire wildlife populations dispersing. In addition, there was no evaluation to wildlife for noise and air quality impacts.
- SUFCO mine already discharges a considerable amount of mine pollution water into the North Fork of Quitichupah Creek. How is the discharge being mitigated? How does this contribute to the 303d stream conditions downstream and how will the impacts broaden with introduction of a new road? How will continuing discharge further impact the environment particularly relative to macro invertebrates?
- What timber sales or prescribed burns will be disturbing habitat adjacent to the project area? What species habitat will be affected by these activities?
- What will the direct and indirect impacts for air quality, noise production increase, and soil erosion be due to an additional demand in coal production for the area in general

¹⁹ City of Carmel-By-The-Sea v. U.S. Department of Transportation, 95 F.2d 892, 902 (9th Cir. 1996)

Response 403-17d

SHPO comments and concurrence with determinations of eligibility specific to the cultural resource inventories are part of the approved cultural resource report files located at the appropriate land managing agency and the Division of State History. SHPO has not provided comments specific to the EIS.

Response 403-18

The cumulative effects have been further analyzed and revised for the FEIS and an updated table of past, present, and reasonably foreseeable actions appears in Appendix D.

Response 403-19

Road construction impacts are direct impacts and mitigation is set to compensate for wetlands, riparian habitats, and upland habitats, as described in the applicant-committed measures section of the EIS.

Human disturbances are indirect impacts associated with access and are evaluated in the FEIS.

It is proposed as mitigation that all animal carcasses (large and small) be removed from the road to reduce scavenging by eagles and vultures (see Section 2.2). Bald eagles have not been documented in the project area.

Population shifts must be considered in the context that the upland habitats are low quality with low densities of wildlife so shifts would be minor. See Response 411-5 regarding impacts of noise. There is no data on the effects of emission to wildlife at the level expected along the proposed road.

The mine discharge into North Fork provides additional flows and the TDS is usually less than the natural flows in Quitichupah Creek. The impact of this discharge will be considered in the cumulative analysis.

No timber sales or prescribed burns are planned in the vicinity of the project by the agencies.

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403-20

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(reasonably foreseeable)? Coal production is intended to increase significantly in the future based upon the DEIS projections and secured contracts. This should trigger a further review of increased impacts for all resources.

- How will impacts from ATV use change resulting from road construction? ATV users have demanded to keep their use of the canyon so what are the future impacts of these machines in Quitchupah Canyon? ATV use and increased ATV use due to improved access will negatively affect Golden Eagle, other raptor populations, big game species, as well as many other species on the forest. Use of these vehicles will further prompt abandonment by wildlife species in the canyon. This impact must be evaluated in the FEIS.
- Subsidence and its impacts on watersheds and water quality is not evaluated in the DEIS. What is the relationship of subsidence from SUFCO mine and water quality? The resulting sediment from erosion pollutes the creek further, contributing to a high TDS rating in Quitchupah Creek. What impacts does this have on aquatic species? What species are specifically affected? How does this relate to the 303d listing for the creek?
- UP&L operates a power line in the canyon. What negative effects occur due to the presence of the power lines? This was not evaluated in the DEIS. These powerlines impact raptor populations and already contribute to loss of individuals in the population. Has mitigation been proposed to retrofit the power lines to reduce this impact in the presence of numerous new impacts?
- Grazing must be considered as a cumulative impact in the project area. The proposal involves impacts to numerous ranchers who graze cattle in Quitchupah Canyon. Any road proposal must include the removal of cattle to regenerate vegetation on steep slopes and around roads. The reluctance of the Forest Service, BLM and road proponents on this issue is obvious due to the controversial nature of the road with ranchers, nonetheless the grazing must stop for a revegetation period as part of mitigation for water quality and soils.
- Gas drilling may occur at any time and may affect up to 78 acres at one time. A paved road only increases the possibilities for additional gas drilling. According to the DEIS, Texaco and SITLA have oil and gas leases in the area (please include a map with these sites in the FEIS). Will the proposed road facilitate future exploration? This massive impact is no more than mentioned in the DEIS. Mitigation must be pre-planned for this foreseeable impact.
- Fencing and under/overpasses create additional impacts to wildlife. What species will be affected by additional barriers?

Mitigation

The DEIS is replete with impacts to virtually all resources, yet fails to provide meaningful mitigation measures to alleviate the detrimental consequences of this project. The CEQ regulations implementing NEPA require that agencies analyze possible mitigation measures in defining the scope of the EIS. In addition, a mere listing of mitigation measures is inadequate. The FEIS must include an analysis of the effectiveness of each mitigation measure proposed for all resources.

Conclusion

While the SUFCO coal mine may stand to gain from the building of the proposed road, the public and environment will be significant losers. Indeed, the costs far outweigh the benefits to the public. The Forest Service and BLM should kill this project outright. Neither agency has the information required to make a legally defensible decision for this project. Considering the admission that

Response 403-19 cont.

The ATV use may decline in Quitchupah Creek because the proposed road is not a legal trail for ATVs and no ATV trail will be constructed adjacent to the proposed road.

Subsidence impact analysis is not part of this project, see Pines Tract EIS for discussion of subsidence.

The affects of the powerline are discussed under land use. There is no documentation of raptor losses for this powerline which was built under the guidelines for protecting raptors.

The livestock use in Quitchupah Creek will be part of the cumulative analysis. The reclaimed areas will be protected from livestock grazing. The riparian area along Quitchupah Creek will be fenced for protection.

The cumulative impact of foreseeable oil and gas exploration is covered in the DEIS. The mitigation for exploration activity would be documented in the NEPA document for exploration permits. The oil and gas lease on SITLA land was cancelled in 2004.

The direct and indirect impacts of fencing will be analyzed in the FEIS.

Response 403-20

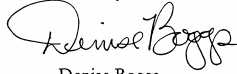
Chapter 2 of the FEIS includes the applicant-committed measures. These applicant committed measures incorporate mitigation measures as part of the road design thereby precluding adverse impacts to the resources. Additional mitigation measures are included in the resource sections.

**Letter
#403**

regardless of which alternative is chosen, coal production will increase, suggests the No Action Alternative should clearly be chosen.

The UEC requests to be kept on the mailing list for this project as it continues through the NEPA process. Please forward the FEIS (if the project proceeds) to our office.

Sincerely,



Denise Boggs
Executive Director



Dave Bell
Resource Specialist

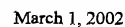
cc: Ray Vaughan, WildLaw

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404-1

SUWA

PAGE 01/02



Linda Jackson
Public Affairs Officer
Fishlake National Forest
115 East 900 North
Richfield, UT 84701

FAXED TO 435-896-9347

Kay Erickson
Realty Specialist
BLM – Richfield Field Office
150 East 900 North
Richfield, UT 84701

FAXED TO 435-896-1550

RE: Quitchupah Creek Road DEIS

Dear Ms. Jackson and Mr. Erickson:

Thank you for providing the Quitchupah Creek Draft EIS to the Southern Utah Wilderness Alliance (SUWA) for review and further comment. As you know, SUWA has been an interested party and has been participating in this proposed project and NEPA process since 1999. SUWA wishes to incorporate by reference, the comments submitted by the Utah Environmental Congress (UEC) to you on this DEIS. In addition to UEC's comments, SUWA submits the following comments.

This proposal is being reviewed for the sole purpose of allowing a commercial coal-mining operation to shave a few miles off of its haul route in order to save a few dollars over the next several years. However, since there is an adequate, and in reality, an incredibly high-quality, road system for these trucks to use for travel to and from the mine, the request to institute a huge construction project to improve and construct a major road in Quitcuhpah Canyon cannot be said to meet any *real need*. There is no mention in the DEIS how this new road will benefit the American people. Natural resources will forever be damaged, obliterated, and impacted from

[illegible]

**P.O. Box 968
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Phone: 435-259-5440
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E-mail: liz@suwa.org**

404

Response 404-1

The primary purpose of the proposed Quitchupah Creek Road is to ensure the competitive productivity of the SUFCO Mine, as a source of economic stability for Sevier County, a potential source of additional income and revenue for Emery County, and a source of high quality coal for power plants (See Section 1.1, Purpose and Need).

The 2005 National Energy Policy Act seeks to provide reliable, affordable energy to our nation's consumers, and to lessen the impact on Americans of energy price volatility and supply uncertainty. Access to coal reserves via any of the road alternatives proposed in the EIS would help to maintain supplies of diverse and traditional forms of energy; the National Energy Policy promotes such improvements in the productive and efficient use of energy.

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SUWA

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this purely bottom-line request by a private coal company. Allowing such a project to proceed could be deemed nothing less than a breach of the public trust under which both the USFS and the BLM are mandated to manage these public lands.

404-2

The DEIS, while it includes discussions of impacts to riparian areas and wetlands, water quality, soils, air quality, cultural resources, wildlife and fishes, wildlife habitat, sensitive plant species, visual resources, and socioeconomic resources, the analyses does not sufficiently address the extent of the impacts to these natural resources in this generally pristine canyon.

404-3

The fuel savings of the haul trucks was one of the major factors listed as a "reason" for this project proposal. Yet, none of the alternatives analyzed considered using trucks with better fuel efficiency. Why was this alternative not considered? Neither the public nor the decision makers have been informed as to cost savings to the company, let alone to the natural resources and the environment, if the coal-hauling trucks were required to get better fuel efficiencies. Rather than wreck and ruin a beautiful canyon and creek with construction and a new road for huge trucks, why not consider trucks that get better gas mileage? If SUFCO would improve the fuel efficiency of their trucks, the trucks could continue to use the existing and safe roads that they already use, and still recognize a cost savings due to the better fuel efficiency. Please address this alternative, including a cost analysis, in the amended/supplemental DEIS.

Based on the concerns of the public and federal and state agencies that have submitted comments on this project, it appears that BLM and USFS must deny the proposal and the various alternatives to allow any modifications to the Quitcupah Creek road in order to accommodate huge coal-hauling trucks traveling to and from the SUFCO mine. If any proposed changes to the Quitcupah Creek road are to be considered, the DEIS must be re-issued so that the impacts to the natural resources (as discussed above, in UEC's comment letter, and in federal and state agency letters) can be adequately analyzed and assessed.

I look forward to receiving all future documents relating to this proposed project.

Sincerely,



Liz Thomas
Staff attorney
SUWA

(404)

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Response 404-2

The impact analysis has been revised and updated in the FEIS.

Response 404-3

The competitive coal market conditions force the coal truck contractors to use the most efficient trucks to maximize their profit margins. It is outside the scope of this project to analyze the fuel efficiency of coal trucks.

Letter
#406

DEE W. JENSE
President

One Utah Center
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Salt Lake City, Utah 84140-0021
(801) 220-4140 • FAX (801) 220-4725

February 27, 2002

Linda L. Jackson
Public Affairs Officer
U.S. Department of Agriculture
Fishlake National Forest
115 East 900 North
Richfield, UT 84701

RE: *Quitichupah Creek Road*

Dear Ms. Jackson,

On behalf of PacifiCorp, we would like to offer our support towards the Quitichupah Creek Road project. It is our understanding that a very thorough environmental review process has taken place and various alternatives are being considered. After reviewing the four (4) alternatives being considered, we support alternative D (Water Hollow Route). This alternative appears to have the least amount of conflict and stimulates both environmental and rural integrity.

As an integral business partner in the State of Utah, with power supply operations throughout its rural communities of which PacifiCorp serves and operates, we wish to applaud the efforts of the public and private sectors together with the regulatory process in considering the merits of this road project.

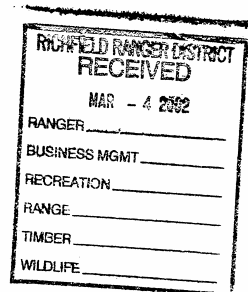
With the closure of our Trail Mountain Coal Mine near Orangeville, Utah, it became necessary to secure alternative fuel sources for our Hunter Power Plant near Castle Dale, Utah. As a result, a coal supply contract was secured with the SUFCO Mine to deliver coal to the Hunter Power Plant. Should this road project come to fruition, it is our understanding that the Sevier County Special Services District will construct this public road and invoke a user's fee to the SUFCO Mine as a toll user of this public road in order to pay for its construction and maintenance.

We believe the end results of constructing this road will provide mutual benefits to the many various stakeholders. Benefits including, but not necessarily limited to the following:

1. The Quitichupah Creek Road reduces the total amount of coal haul trucks on nearly 50 miles of road (roundtrip) involving SR-10 and I-70, enhancing travel safety by reducing overall length of haul distance.



A Subsidiary of PacifiCorp



406-1

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Response 406-1
Comments noted.

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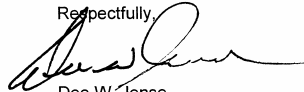
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Linda L. Jackson
February 27, 2002
Page 2

2. Allows for a more efficient route for coal deliveries to the Hunter Power Plant and SUFCO's other delivery destinations beyond this point.
3. Alternative coal transport methods including the railroad system in central Utah is nonexistent or undeveloped and the delivery of central Utah coal is largely dependent on the existing highway systems.
4. The State of Utah and its neighboring states are fortunate to have and produce some of the lowest cost electricity in the United States. This is partly due to the availability of Utah's high quality, low sulfur coal. The construction of the Quitchupah Creek Road directly addresses some of the efficiency, reliability and safety concerns of coal delivery to our Hunter Power Plant for energy production.

Again, we reiterate our support for the Quitchupah Creek Road project and appreciate the opportunity to comment on this proposal.

Respectfully,



Dee W. Jense
President